TOWN BOARD OF THE TOWN OF GREENBURGH
WESTCHESTER COUNTY, STATE OF NEW YORK

In the Application of

Sam's Real Estate Business Trust (a/k/a Sam's Club)

For an Amendment to the Text of Chapter 285. of the
Zoning Code of the Town of Greenburgh.

VERIFIED PETITION
FOR ZONING
TEXT AMENDMENT

Petitioner SAM'S REAL ESTATE BUSINESS TRUST (a/k/a SAM'S
CLUB"), by its attorneys, Troutman Sanders LLP, located at 875 Third Avenue, New York, NY
10022, as and for its Verified Petition ("Petition") is requesting an amendment to the Town
Zoning Ordinance ("Zoning Ordinance"): (i) to permit a Automotive Fuel Station to locate
within a DS Designated Shopping District by special permit of the Town Board; and (ii) to
include the newly defined term "Automotive Fuel Station" within Section 285-28 of the Zoning
Ordinance, hereby states the following:

INTRODUCTION OF
PETITIONER AND PROPERTY

1. Sam's Real Estate Business Trust (either "Sam's Club" or "Petitioner") is
the ground lessee of the property located at 333 Saw Mill River Road, Section 7.18, Block 52,
Lot 32, in the Town of Greenburgh ("Town"), County of Westchester, State of New York,
known and designated as the "Property." The Property, which measures approximately ±
12.758 acres, is located on the west side of Saw Mill River Road at or about its intersection with
Warehouse Lane and extends both to the north along Saw Mill River Road and to the west along
Warehouse Lane.¹

¹As per the "Survey of Property" prepared by Dean L. Carson, P.E. dated July 3, 2019.
2. The Property is owned by Inland-Greenburgh Delaware Business Trust and is subject to a long-term ground lease in favor of Sam’s Club.

3. The Property is currently improved with a well-maintained single-story building ("Building") that contains approximately ± 114,157 sq. ft. and 556 accessory parking spaces. The Building is occupied by Sam’s Club, as a membership club that sells various consumer items at both retail and wholesale prices, most of which are in bulk format. A copy of the as-built Site Plan that illustrates the Property, the Building and its parking field, as prepared by Dean L. Carlson, P.E. and dated July 3, 2019, is annexed hereto and made a part hereof as Exhibit “A.”

4. Petitioner has included certain photographs of the Property including, exterior images of the Building and the existing parking lot to provide the Town Board and the public with contemporary images of subject site (copies of which are annexed hereto and made a part hereof as Exhibit “B”).

5. A small portion of the western edge of the Property including a small area of the existing parking field and the entrance/exit on Warehouse Lane is located in the Floodway. Each and every aspect of Petitioner’s proposal to locate an Automotive Fuel Station on the Property including, without limitation, all physical work to be undertaken in connection therewith is expressly outside of the boundaries of the Floodway and shall not occur within said Floodway. The boundaries of the Floodway as it relates to the Property is shown on the conceptual site plan prepared by Dean L. Carlson, P.E. and dated July 3, 2019 (“Conceptual Site Plan”), copies of which are annexed hereto and made a part hereof as Exhibit “C.”
6. The Property is located within the DS Designated Shopping District ("DS Zoning District"); there are four (4) DS Zoning Districts through the Town. The Town's DS Zoning Districts are shown on Exhibit "D" attached hereto and made a part hereof.

**THE PROJECT**

7. Petitioner proposes to construct a new a "Automotive Fuel Station” (as defined herein) comprised of seven (7) pumps (i.e., 14 fueling positions) within its existing parking field at or about the south-eastern corner of the Property (for orientation purposes this is the part of the site closest to the intersection of Saw Mill River Road and Warehouse Lane). Petitioner’s proposal includes the redesign and reconfiguration of its accessory parking lot to alter existing travel lanes, vehicular movements, certain striping locations and total number of spaces to provide for safe and efficient vehicular movements both on and off site ("Revised Parking Configuration"). The Revised Parking Configuration includes the provision of 457 accessory parking spaces, a net reduction of 99 spaces from that which exist today. The Revised Parking Configuration does not alter site access to or egress from Saw Mill River Road or Warehouse Lane. The Conceptual Site Plan illustrates the location of the proposed Automotive Fuel Station and the Revised Parking Configuration, a copy of which is annexed hereto and made a part hereof as Exhibit “C.”

8. The Proposed Automotive Fuel Station would, if approved by the Town Board, be constructed over a period of approximately one (1) year and involve the physical disturbance of approximately two (2) +/- acres of land (15% to 16% of the Property). The project includes minimal excavation activities to a depth of approximately 15 feet below grade for the installation of three (3) underground fuel storage tanks, each with a capacity of 20,000 gallons. Construction also includes the installation of the seven (7) gasoline pumps and their requisite medians, site grading, paving of the parking area and re-striping of parking spaces.
9. The proposed Automotive Fuel Station and Revised Parking Configuration
alters the on-site parking ratio from 4.92 to 4.0 spaces per 1,000 square feet of commercial use.
The DS Zoning District requires that commercial uses such as Sam's Club provide a parking ratio
of 5.0 (i.e., 5 spaces per 1,000 square feet of commercial use). Petitioner's reduction of the on-site
parking ratio arising from its proposal to construct the Automotive Fuel Station and the requisite
Revised Parking Configuration does not comply with the Town's parking requirements.
Consequently, Petitioner will seek relief from the Zoning Board of Appeals in the form of a
variance from the parking requirements applicable to the DS Zoning District.

PROPOSED ZONING AMENDMENT

10. Section 285-28 of the Zoning Ordinance does not permit a "Gasoline Service
Station" to locate within the DS Zoning District. A Gasoline Service Station is defined within the
Town Code as "Any area of land, including structures thereon, or any building or part thereof that is
used for the sale of automotive fuel, related petroleum products and other motor vehicle accessories,
and which may or may not include facilities for washing, lubricating or otherwise servicing motor
vehicles, but not including the painting thereof by any means. (emphasis added)" [Amended 11-12-

11. Petitioner does not seek an amendment to the Zoning Ordinance to permit
this overly broad use (i.e., "Gasoline Service Station") within the DS Designated Shopping District.
Instead, Petitioner seeks a more narrowly tailored amendment to the provisions of Section 285-28 of
the Zoning Ordinance to permit an "Automotive Fuel Station" by special permit of the Town Board.
The proposed Automotive Fuel Station would limit the size and the commercial activities within
such facilities exclusively to the sale of automotive fuel.
12. As to both a general matter within the DS Zoning District, and a specific matter to be applied to the Property, Petitioner seeks to permit the sale of automotive fuel on eligible sites within the DS Zoning District by special permit of the Town Board and to limit such sale exclusively to automotive fuel through the use of its proposed text amendment which includes the newly defined term “Automotive Fuel Station.” “Automotive Fuel Station shall mean the use of any portion of a parcel of property that meets the standards set forth in Section 285-28(h) of the Zoning Ordinance, as evidenced by the grant of a special use permit by the Town Board, for the operation of up to ten (10) fuel pumps (i.e., 20 fueling positions) for the sale of automotive fuel. The portion of said tract of land utilized as an Automotive Fuel Station shall be exclusively limited to the sale of automotive fuel and specifically prohibited from selling any and all other goods or services including, without limitation, motor vehicle accessories, car washing, lubricating, painting, mechanical repair or otherwise servicing motor vehicles by any means.”

13. Petitioner proposes to construct a new a “Automotive Fuel Station” comprised of seven (7) pumps (i.e., 14 fueling positions) within its existing parking field at or about the south-eastern corner of the Property (for orientation purposes this is the part of the site closest to the intersection of Saw Mill River Road and Warehouse Lane). Petitioner notes that a portion of the proposed Automotive Fuel Station would be located within the 100-year floodplain (the boundaries of such 100-year floodplain are also illustrated on the Conceptual Site Plan annexed hereto as Exhibit “C”). Buildings and other improvements are typically permitted by the Town to locate within the 100-year floodplain provided that the lowest occupied floor is higher than the base flood elevation (BFE) in that area. Petitioner notes that the finished grade of the parking lot is at or about two (2) feet higher than the BFE and that this application includes the requisite elevation certificate for the proposed design and shall provide, assuming approval by the Town Board of the proposed text amendments, the requisite elevation certificate again as to the as-built conditions.
14. As described above, Petitioner’s proposal includes the redesign and reconfiguration of its accessory parking lot to alter existing travel lanes, vehicular movements, certain striping locations and total number of spaces to provide for safe and efficient vehicular movements both on and off site. The Revised Parking Configuration was specifically designed to address on site internal and external vehicular movements arising from access to and egress from the site via Saw Mill River Road and/or Warehouse Lane; access to or egress from Sam’s Club to other portions of the parking lot including, the Automotive Fuel Station; and access to or egress from the Automotive Fuel Station to other portions of the parking lot including, Sam’s Club. The Revised Parking Configuration does not alter the physical configuration of the existing site access to or egress from Saw Mill River Road or Warehouse Lane.

15. Petitioner, by its consultants, Carlson Consulting Engineers, Inc., and JMC Site Development Consultants, LLC (JMC), completed a detailed traffic and parking study that thoroughly evaluated vehicular traffic conditions arising from the proposed Automotive Fuel Station (a copy of the Traffic & Parking Study is annexed hereto and made a part hereof as Appendix “A”). The Traffic and Parking Study evaluated key traffic intersections in proximity of the site under existing, no-build and build conditions to provide the Town Board with a full assessment of off-site traffic related issues. The Traffic and Parking Study also provides an assessment of the on-site traffic and parking issues to provide a comprehensive analysis of all traffic related issues. The Traffic and Parking Study concludes that the proposed Automotive Fuel Station and Revised Parking Configuration will not result in significant adverse traffic or parking impacts.

16. The proposed Automotive Fuel Station and Revised Parking Configuration alters the on-site parking ratio from 4.9 to 4.0 spaces per 1,000 square feet of commercial use. The DS Zoning District requires that commercial uses such as Sam’s Club maintain a parking ratio of 5.0
(i.e., 5 spaces per 1,000 square feet of commercial use). Petitioner's reduction of the on-site parking ratio arising from its proposal to construct the Automotive Fuel Station and the requisite Revised Parking Configuration does not comply with the Town's parking requirements. Consequently, Petitioner will seek relief from the Zoning Board of Appeals in the form of a variance from the parking requirements applicable to the DS Zoning District.

17. The means pursuant to which the Petitioner seeks to permit the sale of automotive fuel on the Property is through an amendment of Section 285-28 of the Zoning Ordinance: (i) to establish the term Automotive Fuel Station within said section of the Zoning Ordinance; and (ii) to include Automotive Fuel Station as a use permitted by special permit of the Town Board. Petitioner also seeks a variance from the applicable parking requirements of the DS Zoning District for the provision of a parking ratio of at least 4.0.

**CONSISTENCY WITH TOWN COMPREHENSIVE PLAN**

18. Automotive Fuel Station should be added to the list of permitted special permit uses in the DS Zoning District as such a proposal will enable more consistent and efficient use of appropriate commercial property within the DS Zoning District.

19. The Petitioner respectfully submits that the proposed use is both appropriate for the Property and within the DS Zoning District. The addition of a Automotive Fuel Station on the Property is consistent with and will advance the objectives and policies of the Town's 2016 Comprehensive Plan including, without limitation: (i) seeking "implement economic development strategies that take into account the changing nature of retail..." (Town of Greenburgh Comprehensive Plan, Policy 11.2.1.6, p. 11-39); (ii) "utilize innovative and flexible regulations that facilitate identified site improvements" (Town of Greenburgh Comprehensive Plan, Policy 11.5.1, p. 11-40); and (iii) "support flexible parking... and other regulations that promote private investment
into commercial sites, where consistent with the Plan." (Town of Greenburgh Comprehensive Plan, Policy 11.5.1.2, p. 11-40).

20. The adoption of the proposed zoning text amendment provides the Town with an appropriate mechanism to evaluate on a case by case basis the establishment of each proposed Automotive Fuel Station through its special permit process and where appropriate, the Town in granting such Automotive Fuel Station, shall augment its existing commercial tax base and avoid either potential site vacancies or reductions of important tax revenues.

21. If the Town Board grants this Petition and adopts the proposed amendments, Petitioner will obtain a building permit to permit the establishment of the proposed Automotive Fuel Station.

22. The installation of the proposed Automotive Fuel Station will require minimal site disturbance in terms of its construction operations, layout, deliveries, etc.

23. Petitioner further submits that the proposed use and development of the Property with the proposed Automotive Fuel Station would not have an adverse impact on the Property or the surrounding community. In this regard the Petitioner conducted a survey of existing gas stations in proximity of the site to determine if gas stations over saturated the area. Petitioner’s search area extended to either side of 287 (see attached graphic, a copy of which is attached hereto and made a part hereof as Exhibit “E”). The graphic shows the location of 5 gasoline stations near Sam’s Club (Shell, BP, Gulf, Citgo and Mobil). Only the Mobil gas station is in close proximity to the site, and three of the four remaining gas stations are closer in proximity to 287. Based upon this information, Petitioner submits that is would be reasonable for the Town Board to conclude that there is no oversaturation of gas stations in this area today and that there would be no oversaturation issue created by the approval of Petitioner’s proposal.
24. Accordingly, amending the Zoning Ordinance to specifically identify Automotive Fuel Stations as a permitted special permit use in the DS Zoning District would not interfere with the harmony of the existing zoning. Petitioner maintains that the proposed Zoning Text Amendment would encourage appropriate re-use of existing commercial site to the benefit of the surrounding community.

AMENDED ZONING ORDINANCE SECTIONS

25. Petitioner proposes to amend Section 285-28(h) of the Zoning Ordinance to stipulate the conditions pursuant to which Automotive Fuel Stations shall be permitted within the DS Zoning District as follows:

Section 285-28(h) Automotive Fuel Stations shall be permitted by special permit within the DS Zoning District provided that:

[1] Together with the special permit application, there shall be submitted preliminary approvals from the appropriate state, county and Town authority as to the following:

[ a] Site Plan approval (if necessary);
[ b] Curb cut approval (if necessary);
[ c] Ingress and egress (if necessary);
[ d] Acceleration and/or deceleration lanes (if necessary); and
[ e] Traffic signalization (if necessary).

[2] The applicant shall satisfy the Zoning Board that there shall be a minimum of 4.0 accessory parking spaces per 1,000 square feet of commercial floor area on such site.

[3] The minimum lot size shall be 5 acres (as of the date of the adoption of this amendment to the Zoning Ordinance).

"Automotive Fuel Station shall mean the use of any portion of a parcel of property that meets the standards set forth in Section 285-28(h) of the Zoning Ordinance, as evidenced by the grant of a special permit by the Town Board, for the operation of up to ten (10) fuel pumps (i.e., 20 fueling positions) for the sale of automotive fuel. The portion of said tract of land utilized as an Automotive Fuel Station shall be exclusively limited to the sale of automotive fuel and specifically prohibited from selling any other goods or services including, without limitation, motor vehicle accessories,
car washing, lubricating, painting, mechanical or otherwise servicing motor vehicles by any means."

A copy of the proposed Zoning Text Amendment-to the Zoning Ordinance is annexed hereto as Exhibit "F."

**COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

1. In accordance with the New York State Environmental Quality Review Act ("SEQRA"), the proposed action is a Type I Action. Petitioner has prepared and hereby submits a Full Environmental Assessment Form to demonstrate to the Town that the proposed amendments to the Zoning Ordinance, and the Automotive Fuel Station that would be facilitated as a result of such amendments, would not result in any potentially significant adverse environmental impacts. A copy of the Full Environmental Assessment Form, dated July 5, 2019, is annexed hereto and made a part hereof as Exhibit G.

2. Petitioner acknowledges that the proposed text amendment will be referred for review to other agencies, including the Town Planning Board.

3. Petitioner submits that all relevant areas of environmental concern will be identified, analyzed, and where appropriate, mitigated to the extent requested by any reviewing agency.

4. Petitioner respectfully requests that the Town Board determine whether it wishes to declare itself Lead Agency and conduct a coordinated SEQRA review of the proposed zoning amendment and special permit, or to defer that review to the Planning Board.
REQUESTED RELIEF

WHEREFORE, Petitioner respectfully requests that the Town Board of the Town of Greenburgh:

i. Declare its intent to serve as Lead Agency under SEQRA;

ii. Refer this Petition to the Planning Board for its report and recommendation pursuant to Zoning Code Section 285-64;

iii. Refer this Petition to the Westchester County Department of Planning pursuant to New York State General Municipal Law Section 239-m;

iv. Schedule, notice and conduct a Public Hearing on the Petition at the earliest possible date;

v. Amend the text of Section 285-28 of the Zoning Ordinance as contained herein; and

vi. Grant the special permit, pursuant to the proposed amended text of Section 285-28 of the Zoning Ordinance, as requested herein.

Dated: July 5, 2019
Manhattan, New York

Respectfully submitted,

TROUTMAN SANDERS LLP

By: /s/ Jeremiah H. Candreva

Jeremiah H. Candreva
Partner
VERIFICATION

STATE OF ARKANSAS
COUNTY OF BENTON

Thomas H. Wait, hereby, deposes and says that he is the Senior Vice President Strategy & Real Estate Operations of Sam’s Real Estate & Business Development of SAM’S REAL ESTATE BUSINESS TRUST, the Petitioner, and says that he has reviewed the foregoing Verified Petition and that the foregoing Verified Petition is true to his own knowledge, and authorizes Troutman Sanders LLP to submit the foregoing Verified Petition to the Town Board of the Town of Greenburgh on Petitioner’s behalf.

SAM’S REAL ESTATE BUSINESS TRUST, a Delaware statutory trust

By: [Signature]
     Thomas H. Wait, Senior Vice President Strategy & Real Estate Operations

Sworn to before me this 9th day of July 2019

[Signature]
Notary Public

CYNTHIA M. VANDEVORT
Washington County
NOTARY PUBLIC - ARKANSAS
My Commission Expires October 20, 2024
Commission No. 12401681
Exhibit A
Site Plan
Exhibit B
Photographs
scanning with the exception of a couple of lanes. On line for 40 minutes to pay for 6 items! Unreal! Full review

See all 44 Yelp reviews
Exhibit C
Conceptual Site Plan
Exhibit E
Surveyed Gasoline Locations
Exhibit F
Text Amendment
Sam's Club Text Amendment

July 5, 2019

Matter in yellow highlight is new, to be added; and

Matter without yellow highlight indicates unchanged text as it appears in the Zoning Ordinance

Chapter 285. Zoning

Article III. District Regulations and Map


A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to, unless otherwise provided in this chapter, except for the following uses:

(1) Principal uses.

(a) Fully enclosed stores for the retail sale of consumer merchandise; fully enclosed personal service establishments, such as but not limited to barbershops, beauty parlors, shoe repair shops and similar uses, where such service is provided on the premises, and banks, provided that:

[1] No fabrication, manufacturing, converting, altering, finishing or assembly shall be permitted therein, except such which may be incidental to such retail sale or personal service use, provided that said incidental operation is not offensive, obnoxious or detrimental to the surrounding area by reason of noise, gases, fumes, smoke, odor, dust or vibrations.

[2] There shall not be permitted therein an automobile sales lot, motor vehicle salesroom, public garage, gasoline station, car washing establishment, motel, hotel, automobile court, tourist home, rooming house, furnished room house, boardinghouse, assembly hall, dance hall, storage, warehousing or wholesale establishment or business or vocational school.[1]

[1] Editor's Note: Former Subsections 2 and 3, which immediately followed this subsection, were repealed 7-8-1987 by L.L. No. 3-1987.

(b) Theaters or cinemas, either freestanding or as part of a retail development, other than the drive-in type, provided that the minimum lot size shall be 120,000 square feet.

(c) Dry-cleaning and hand laundry establishments, provided that dry cleaning is not done on the premises.
(d) Telephone exchanges.

(e) The retail sale and accessory storage and display of garden materials, plants and supplies, including nursery-type operations.

(f) Public utility structures and utility rights-of-way, excluding garages or storage yards. Antenna(s), where permitted, shall comply with the conditions set forth in § 285-37 of this chapter.


(g) Detached dwellings as permitted and regulated in § 285-14 herein.

(h) Public parks, playgrounds or similar recreational areas owned or operated by a governmental authority.

[Added 7-8-1987 by L.L. No. 3-1987]

(i) Firehouses, police stations or other public safety uses owned or operated by the Town of Greenburgh, Westchester County, or by any other governmental authority.

[Added 7-8-1987 by L.L. No. 3-1987]

(j) Other municipal buildings or uses operated by the Town of Greenburgh.

[Added 7-8-1987 by L.L. No. 3-1987]

(2) Special permit uses.

(a) Fully enclosed commercial recreation facilities, including bowling alleys, health spas and clubs, tennis, paddle tennis, handball and squash facilities and uses accessory and incidental to commercial recreation, such as locker rooms, eating and drinking facilities and retail sale of goods associated with the primary activity, subject to the following conditions:

[1] The minimum lot size shall be 90,000 square feet.
[2] Said commercial recreation facility shall be provided with a suitable planting screen or fence of at least six feet in height in all side and rear yards, and further provided that an appropriately landscaped and maintained separator of at least 30 feet in width shall be provided adjacent to the street line of said property.

(b) Funeral homes or undertaking establishments, provided that a minimum lot size shall be 40,000 square feet.

(c) Small animal hospitals provided that:

[1] All operations, including runways, shall be within a totally enclosed, fully soundproofed, mechanically ventilated or air-conditioned building.

[Added 7-8-1987 by L.L. No. 3-1987]
All operations shall be conducted and the structure maintained in such a manner that they are not offensive, obnoxious or detrimental to adjoining properties by reason of noises or odors.

Permitted operations shall not include the boarding of animals or the operating of a kennel, except that the boarding of animals related to a course of medical treatment shall be permitted during the period of such treatment.

The minimum lot size shall be 40,000 square feet.

(d) Fully enclosed freestanding ice cream stands, provided that the minimum lot size shall be 20,000 square feet.

(e) Fully enclosed quick-service or fast-food establishments, provided that:

[1] No such establishment shall be located nearer than 2,000 feet from another such establishment as measured from their property lines.

[2] Together with the special permit application, there shall be submitted preliminary approvals from the appropriate state, county and Town authority as to the following:

[a] Curb cut approval.
[b] Ingress and egress.
[c] Acceleration and/or deceleration lanes.
[e] Internal traffic flow.

[3] The applicant shall satisfy the Zoning Board of Appeals that:

[a] There will be sufficient security to prevent the use of the premises as a loitering place during hours of operation.
[b] There will be proper facilities and personnel for disposal of the trash and other debris of quick-service eating and drinking establishment.
[c] The minimum lot size shall be 80,000 square feet.

(f) Fully enclosed restaurant use other than cabaret use, but in no event including diner or similar structures or outdoor counter service, drive-in or curb-service establishment. Such prohibitions shall not, however, prevent service at tables on a covered or uncovered terrace or porch incidental to a permitted restaurant, provided that there is no increase in the total capacity as approved by the Zoning Board of Appeals, and further provided that:

[Added 4-13-1983]

[1] No such establishment shall be located nearer than 50 feet from a residential district line.

[2] Together with the special permit application, there shall be submitted preliminary approvals from the appropriate state, county and Town authority as to the following:
[a] Curb cut approval.
[b] Ingress and egress.
[c] Acceleration and/or deceleration lanes.
[e] Internal traffic flow and adequacy of parking.

[3] The applicant shall satisfy the Zoning Board of Appeals that:

[a] There will be sufficient security to prevent the use of the premises as a loitering place during the hours of operation.
[b] There will be proper facilities and personnel for disposal of the trash and other debris of a restaurant.

[4] All restaurants in operation and those restaurants for which site plan approval has been granted as of the effective date of this amendment are exempt from this special permit requirement. However, should there be any alteration to either an existing restaurant or one which has received site plan approval as of the effective date of this chapter, this exemption shall not apply.

(g) Cabaret uses, provided that:

[1] No such establishment shall be located nearer than 2,000 feet from another such establishment as measured from their property lines.
[2] Together with the application, there shall be submitted preliminary approvals from the appropriate state, county and Town authority as to the following:

[a] Curb cut approval.
[b] Ingress and egress.
[c] Acceleration and/or deceleration lanes.
[e] Internal traffic flow.

[3] The applicant shall satisfy the Zoning Board that there shall be sufficient security to prevent the use of the premises as a loitering place during hours of operation.

[4] The applicant shall comply with all provisions of the Cabaret Law of the Town of Greenburgh, and the issuance of the special permit shall be conditional upon obtaining and continuing to hold a cabaret license from the Town of Greenburgh, New York.

[5] The minimum lot size shall be 120,000 square feet.
(h) Automotive Fuel Stations provided that:

[1] Together with the special permit application, there shall be submitted preliminary approvals from the appropriate state, county and Town authority as to the following:

[a] Site Plan approval (if necessary);
[b] Curb cut approval (if necessary);
[c] Ingress and egress (if necessary);
[d] Acceleration and/or deceleration lanes (if necessary); and
[e] Traffic signalization (if necessary).

[2] The applicant shall satisfy the Zoning Board that there shall be a minimum of 4.0 accessory parking spaces per 1,000 square feet of commercial floor area on such site.

[3] The minimum lot size shall be 5 acres (as of the date of the adoption of this amendment to the Zoning Ordinance).

For purposes of this Section 285-28 A.(2)(h) “Automotive Fuel Station shall mean the use of any portion of a parcel of property that meets the standards set forth in Section 285-28(h) of the Zoning Ordinance, as evidenced by the grant of a special use permit by the Town Board, for the operation of up to ten (10) fuel pumps (i.e., 20 fueling positions) for the sale of automotive fuel. The portion of said tract of land utilized as a Automotive Fuel Station shall be exclusively limited to the sale of automotive fuel and specifically prohibited from selling any other goods or services including, without limitation, motor vehicle accessories, car washing, lubricating, painting, mechanical or otherwise servicing motor vehicles by any means.”

(3) Accessory uses.

(a) Off-street parking areas for private passenger vehicles of visitors, shoppers and employees of the principal use, but not for the storage of used or new vehicles for sale or hire.

(b) Off-street loading areas for the delivery of goods to and from the principal use.

(c) Garages for the storage only of commercial vehicles used for the delivery of goods purchased within the principal building or for the storage of cleaning and snow-removal equipment and material for the parking area used in connection with the principal use and only on that site, provided that it is located within the principal building.

(d) Trash compactors, subject to the requirements of § 285-36 of this chapter.
(e) Accessory signs, subject to the applicable provisions of the Sign and Illumination Law of the Town of Greenburgh. [2]

[2] Editor's Note: See Ch. 240, Sign and Illumination Law.

(f) Other customary accessory uses incidental to the principal use on the site.

(g) Antennas, subject to the conditions set forth in § 285-37 of this chapter.


(h) Detached canopies over bank drive-throughs, which may be located in the rear yard, provided that:


[1] Such canopy shall not be located nearer than 10 feet to the rear property line; and

[2] No signs shall be permitted on such canopy.

(4) Uses under special permit by Town Board.


(a) Fully enclosed massage establishments, pursuant to the procedures and standards set forth in § 285-36T of this chapter.

B. Lot and bulk requirements shall be as follows:

(1) Minimum lot area: 10,000 square feet, unless otherwise specified.

(2) Minimum lot width: 100 feet.

(3) Maximum FAR: 0.30.

(4) Maximum coverage of principal building, unless otherwise specified:

(a) All buildings:

<table>
<thead>
<tr>
<th>Lot Size (square feet)</th>
<th>Maximum Coverage</th>
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<tbody>
<tr>
<td>10,000 to 40,000</td>
<td>30%</td>
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<tr>
<td>40,000 to 90,000</td>
<td>25%</td>
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<tr>
<td>90,000 or greater</td>
<td>20%</td>
</tr>
</tbody>
</table>

(b) Impervious surfaces: 80%.

[Added 7-8-1987 by L.L. No. 3-1987]
(5) Minimum yards, unless otherwise specified:

<table>
<thead>
<tr>
<th>Yard</th>
<th>Lots of 10,000 to 40,000 Square Feet (feet)</th>
<th>Lots of 40,000 to 90,000 Square Feet (feet)</th>
<th>Lots of 90,000 Square Feet or Greater (feet)</th>
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<td>90</td>
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<tr>
<td>Rear</td>
<td>50</td>
<td>50</td>
<td>60</td>
</tr>
</tbody>
</table>

All yards must comply with § 285-39 of this chapter.

(6) Minimum distance from off-street parking areas to:

(a) Principal building: 10 feet.

(b) Front lot line: 20 feet, unless otherwise specified.

(c) Side lot line: 10 feet.

(d) Rear lot line: 10 feet.

(7) Maximum height: three stories, not to exceed 40 feet.

[Amended 7-8-1987 by L.L. No. 3-1987]
Exhibit G
SEQRA Form
### 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.

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
<th>Sam's Real Estate Business Trust (&quot;Sam's Club&quot;)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Location (describe, and attach a general location map):</td>
<td>333 Saw Mill River Road (&quot;Property&quot;)</td>
</tr>
<tr>
<td>Brief Description of Proposed Action (include purpose or need):</td>
<td>Sam's Club is proposing a zoning text amendment (i) to permit an Automotive Fuel Station to locate within a DS Designated Shopping District by special permit of the Town Board; and (ii) to include the newly defined term &quot;Automotive Fuel Station&quot; within Section 265-26 of the Town Zoning Ordinance. Subject to the approval of the zoning text amendment, Sam's Club proposes to locate a Automotive Fuel Station comprised of seven (7) pumps (i.e., 14 fueling positions) within the existing parking lot at or in proximity to the eastern edge of the Property (for orientation purposes this is the part of the site closest to the intersection of Saw Mill River Road and Warehouse Lane). The Property is currently improved with a single building that contains approximately ± 114,157 sq. ft. (&quot;Building&quot;) and 556 parking spaces. Siting the proposed Automotive Fuel Station within the parking lot, will reduce the number of on-site parking spaces from 556 to 457+. Sam's Club also seeks a variance from the parking requirements of the DS Zoning District in connection with the siting of the proposed Automotive Fuel Station.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant/Sponsor:</th>
<th>Telephone: 212 704 6292</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address: 333 Saw Mill River Road</td>
<td></td>
</tr>
<tr>
<td>City/PO: Elmsford</td>
<td>State: NY</td>
</tr>
<tr>
<td>Project Contact (if not same as sponsor; give name and title/role):</td>
<td>Telephone: 212 704-6292</td>
</tr>
<tr>
<td>c/o Troutman Sanders LLP; Attention: Jeremiah H. Candreva, Esq.</td>
<td>E-Mail: <a href="mailto:jed.candreva@troutman.com">jed.candreva@troutman.com</a></td>
</tr>
<tr>
<td>Address: 575 Third Avenue</td>
<td></td>
</tr>
<tr>
<td>City/PO: New York</td>
<td>State: NY</td>
</tr>
<tr>
<td>Property Owner (if not same as sponsor):</td>
<td>Telephone: 312 651 6424</td>
</tr>
<tr>
<td>Inland-Greenburgh Delaware Business Trust c/o EGI Properties L.L.C.</td>
<td>E-Mail: <a href="mailto:gcomblath@strategicleasinglaw.com">gcomblath@strategicleasinglaw.com</a></td>
</tr>
<tr>
<td>Address: Two North Riverside Plaza, Suite 600</td>
<td></td>
</tr>
<tr>
<td>City/PO: Chicago</td>
<td>State: Illinois</td>
</tr>
</tbody>
</table>
### B. Government Approvals

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

<table>
<thead>
<tr>
<th>Government Entity</th>
<th>If Yes: Identify Agency and Approval(s) Required</th>
<th>Application Date (Actual or projected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. City Counsel, Town Board, or Village Board of Trustees</td>
<td>☑ Yes ☐ No Zoning Text Amendment</td>
<td>TBD</td>
</tr>
<tr>
<td>b. City, Town or Village Planning Board or Commission</td>
<td>☑ Yes ☐ No Zoning Text Amendment Recommendations to Town Board</td>
<td>TBD</td>
</tr>
<tr>
<td>c. City, Town or Village Zoning Board of Appeals</td>
<td>☑ Yes ☐ No Parking Variance</td>
<td>TBD</td>
</tr>
<tr>
<td>d. Other local agencies</td>
<td>☑ Yes ☐ No Building Permit</td>
<td>TBD</td>
</tr>
<tr>
<td>e. County agencies</td>
<td>☑ Yes ☐ No NYS Municipal Law Referral for Zoning Text Amd</td>
<td>TBD</td>
</tr>
<tr>
<td>f. Regional agencies</td>
<td>☑ Yes ☐ No</td>
<td></td>
</tr>
<tr>
<td>g. State agencies</td>
<td>☑ Yes ☐ No</td>
<td></td>
</tr>
<tr>
<td>h. Federal agencies</td>
<td>☑ Yes ☐ No</td>
<td></td>
</tr>
</tbody>
</table>

i. Coastal Resources.
   1. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☑ Yes ☐ No
   2. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑ Yes ☐ No
   3. 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?

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):

   
   
   

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C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No

DS Designated Shopping District

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

i. What is the proposed new zoning for the site? Zoning Text Amendment to permit Automotive Fuel Station by Special Permit of Town Board

C.4. Existing community services.

a. In what school district is the project site located?  Pocantico Hills Union Free School District

b. What police or other public protection forces serve the project site?  Town of Greenburgh Police Department

c. Which fire protection and emergency medical services serve the project site?  Elmsford Fire Department and Greenburgh EMS

d. What parks serve the project site?  Massaro Park, Pocantico Park and Westchester County Parks

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)?  Commercial

b. a. Total acreage of the site of the proposed action?  12.758± acres

b. Total acreage to be physically disturbed?  2+ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  12.758± 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

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:  ________ 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?  
If Yes, show numbers of units proposed. 

<table>
<thead>
<tr>
<th>One Family</th>
<th>Two Family</th>
<th>Three Family</th>
<th>Multiple Family (four or more)</th>
</tr>
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<tbody>
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<table>
<thead>
<tr>
<th>Initial Phase</th>
<th>At completion</th>
<th>All phases</th>
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</table>

G. Does the proposed action include new non-residential construction (including expansions)?  
If Yes,  

1. Total number of structures: ______ 2 
2. Dimensions (in feet) of largest proposed structure: 14+/− height; 40+/− width; and 120+/− length 
3. Approximate extent of building space to be heated or cooled: ______ 192+/− 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?  
If Yes,  

1. Purpose of the impoundment:  
   - If a water impoundment, the principal source of the water: 
     - Ground water  
     - Surface water streams  
     - Other specify:  
2. If other than water, identify the type of impounded/contained liquids and their source.  
3. Approximate size of the proposed impoundment. Volume: ______ million gallons; surface area: ______ acres  
4. Dimensions of the proposed dam or impounding structure: ______ height; ______ length  
5. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):  

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)  
If Yes,  

1. What is the purpose of the excavation or dredging?  
   - Construction of Automotive Fuel Station  
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
   - Volume (specify tons or cubic yards): 2,000+/− CY  
   - Over what duration of time? 6+/− Months  
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
   - Material excavated for underground fuel storage tank installations, foundation systems, and other miscellaneous activities  
iv. Will there be onsite dewatering or processing of excavated materials?  
   - Dewatering anticipated due to relatively high groundwater table  

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?  
If Yes,  

1. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):  

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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:

________________________________________________________________________

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

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:

________________________________________________________________________

vi. Will the proposed action use, or create a new demand for water? ☑ Yes ☐ No
i. Total anticipated water usage/demand per day: 40 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: Town of Greenburgh Consolidated Water District #1
- 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:

________________________________________________________________________

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:

________________________________________________________________________

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: 36 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: Yorkers Joint WWTP
- Name of district: Saw Mill Sewer 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
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  
Yes ☐ No ☐

If Yes:
- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- What is the receiving water for the wastewater discharge?

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):
N/A

vi. Describe any plans or designs to capture, recycle or reuse liquid waste:
None

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?
- 0 Square feet or 0 acres (impervious surface)
- 12.76 Square feet or 0.02 acres (parcel size)

ii. Describe types of new point sources:
None

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)?
No change from existing conditions

If to surface waters, identify receiving water bodies or wetlands:
- Saw Mill River

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  
Yes ☐ No ☐

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)
Typical small construction site equipment (dump trucks, excavators, delivery trucks, etc.)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
Typical small construction site items such as temporary power generators

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
None anticipated

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)  
Yes ☐ No ☐

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 Hydroflourocarbons (HFCs)
- Tons/year (short tons) of Hazardous Air Pollutants (HAPs)
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:
      
         Minimal demand necessary to operate fuel pumps (34+/- kVA)

      ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

      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.
   i. During Construction:
     - Monday - Friday: _________ none
     - Saturday: _________ none
     - Sunday: _________ none
     - Holidays: _________ none
   ii. During Operations:
     - Monday - Friday: 10am-8:30pm
     - Saturday: 9am-8:30pm
     - Sunday: 10am-6pm
     - Holidays: 10am-8:30pm
m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?
   If yes:
   i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?
   Describe:

n. Will the proposed action have outdoor lighting?
   If yes:
   i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
      Existing parking lot has light sources. Additional similar lights sources will be incorporated into proposed Automotive Fuel Station

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?
   Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day?
   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?
   If Yes:
   i. Product(s) to be stored: Automotive fuel
   ii. Volume(s) __________ gal per unit time ___________ year (e.g., month, year)
   iii. Generally, describe the proposed storage facilities:
   (3) 20,000 gallon underground fuel storage tanks

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?
   If Yes:
   i. Describe proposed treatment(s):

   ii. Will the proposed action use Integrated Pest Management Practices?

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?
   If Yes:
   i. Describe any solid waste(s) to be generated during construction or operation of the facility:
      - Construction: __________ tons per __________ (unit of time)
      - Operation: __________ tons per __________ (unit of time)
   ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
      - Construction:
      - Operation:

   iii. Proposed disposal methods/facilities for solid waste generated on-site:
      - Construction:
      - Operation:
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.

<table>
<thead>
<tr>
<th>Land use or Covertype</th>
<th>Current Acreage</th>
<th>Acreage After Project Completion</th>
<th>Change (Acres +/-)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads, buildings, and other paved or impervious surfaces</td>
<td>12.756 +/-</td>
<td>12.756 +/-</td>
<td>0</td>
</tr>
<tr>
<td>Forested</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Agricultural (includes active orchards, field, greenhouse etc.)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Surface water features (lakes, ponds, streams, rivers, etc.)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Wetlands (freshwater or tidal)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Non-vegetated (bare rock, earth or fill)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
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</tr>
</tbody>
</table>

Describe: Site is improved with a large 1-story building and remainder of site is parking lot
c. Is the project site presently used by members of the community for public recreation? □ Yes □ No

i. If Yes: explain:


d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? □ Yes □ No

If Yes,

i. Identify Facilities:


e. Does the project site contain an existing dam? □ Yes □ No

i. Dimensions of the dam and impoundment:

- Dam height: ______ feet
- Dam length: ______________________ feet
- Surface area: ______________________ acres
- Volume impounded: ____________________ gallons OR acre-feet

ii. Dam's existing hazard classification:

iii. Provide date and summarize results of last inspection:


f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? □ Yes □ No

If Yes:

i. Has the facility been formally closed? □ Yes □ No

- If yes, cite sources/documentation:

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:


iii. Describe any development constraints due to the prior solid waste activities:


g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? □ Yes □ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:


h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? □ Yes □ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:

- Yes – Spills Incidents database
- Yes – Environmental Site Remediation database
- Neither database

Provide DEC ID number(s): 1811897


ii. If site has been subject of RCRA corrective activities, describe control measures:

N/A


iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? □ Yes □ No

If yes, provide DEC ID number(s):


iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):


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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? unknown, but est. >50 feet
b. Are there bedrock outcroppings on the project site? □ Yes □ No
   If Yes, what proportion of the site is comprised of bedrock outcroppings? %
c. Predominant soil type(s) present on project site: sand/silt fill material 100 %
   %
   %
d. What is the average depth to the water table on the project site? Average: feet

e. Drainage status of project site soils: □ Well Drained: 100 % of site
   □ Moderately Well Drained:
   □ Poorly Drained

f. Approximate proportion of proposed action site with slopes:
   - 0-10%: 80 % of site
   - 10-15%: 10 % of site
   - 15% or greater: 10 % of site

g. Are there any unique geologic features on the project site? □ Yes □ No
   If Yes, describe:

h. Surface water features.
   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
   If Yes to either i or ii, continue. If No, skip to E.2.i.
   iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? □ Yes □ No
   iv. For each identified regulated wetland and waterbody on the project site, provide the following information:
      - Streams: Name Saw Mill River Classification River
      - Lakes or Ponds: Name Classification
      - Wetlands: Name Approximate Size
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:
      Saw Mill River for Floatables, Phosphorus/Low D.O., and Pathogens

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:
   - Name of aquifer:
m. Identify the predominant wildlife species that occupy or use the project site:

n. Does the project site contain a designated significant natural community? □ Yes □ No
   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
   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
   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
   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 contiguos 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: Taconic Parkway
   ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Scenic roadway
   iii. Distance between project and resource: approximately 2 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: SAM'S REAL ESTATE BUSINESS
Date: 7/9/19

Signature: [Signature]
Title: Senior Manager, Real Estate