

# FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TUESDAY  
OCTOBER 8, 2024  
8:00 A.M.

PLANNING DEPARTMENT CONFERENCE ROOM

## MEETING NOTES

PRESENT:

MIKE FITZGERALD, CHAIRMAN  
SUE COLLINS, VICE CHAIRMAN  
DR. GREG TRUCKENMILLER, TREASURER  
JOSEPH SEMIONE, MEMBER  
DAVID D'AMORE, MEMBER  
JAMES MRAZ, EXECUTIVE DIRECTOR  
KARA LAIS, FITZGERALD, MORRIS, BAKER, FIRTH PC  
SCOTT HENZE, PLANNING DIRECTOR  
TOM ROEHL, LIASON ECONOMIC DEVELOPMENT & ENVIRONMENT COMMITTEE  
DENIS WILSON, FULTON COUNTY CENTER FOR REGIONAL GROWTH

### **I. MINUTES FROM SEPTEMBER 10, 2024 MEETING**

MOTION : Accept as presented  
MADE BY : Dave D'Amore  
SECONDED : Mike Fitzgerald  
VOTE : Unanimous

### **II. BUDGET REPORT:**

MOTION : Accept as presented  
MADE BY : Joe Semione  
SECONDED : Sue Collins  
VOTE : Unanimous

**III. COMMITTEE REPORTS:**

A. Nominating Committee:

- No report.

B. Audit Committee:

- Monthly Bank Reconciliation Report: Joe Semione  
IDA DISCUSSION: Joe Semione noted that the monthly date reconciliation report was in order.

C. Governance Committee:

- No report.

D. Finance Committee:

- No report.

**IV. FULTON COUNTY/FULTON COUNTY CENTER FOR REGIONAL GROWTH (FCCRG) REPORTS:**

1. FCCRG Report: Denis Wilson (See attached.)

2. Fulton County Report:

Tom Roehl stated that the Board of Supervisors is expected to adopt a Resolution next month advertising for bids for Phase I of the Discovery Center Project. He also advised that work on the Route 30 sewer line may very well completed in 2024.

**V. OLD BUSINESS:**

A. Nexus Renewables:

1. Special Use Permit (SUP):

- In 2020, Nexus received a Special Use Permit (SUP) from the Town of Johnstown Planning Board for their Solar Project next to Tryon.
- This SUP was good for 1 year.
- Nexus never requested that the Planning Board extend the expiration date of the SUP.
- Nexus recently submitted a request to the Planning Board to extend the expiration date of the SUP.
- Since it has been 3 years since the SUP expired, the Town of Johnstown decided to require Nexus to submit a new application for a SUP.
- This application will be impacted by the current moratorium the Town Board enacted on all solar projects. This moratorium is scheduled to expire on August 26, 2024. The Town Board could extend the moratorium.

- The Town will not accept applications for any SUP's until after the moratorium expires.
- The Town Board has extended the Moratorium for 6 months.

**B. Crossroads Park Housing:**

1. Status:
  - Howard Hannah has shown the parcel to several parties.
  - Howard Hannah continues to distribute marketing materials on the site to housing developers in the Region.
  - Howard Hannah suggests reducing the asking price of the 26+/- acres the IDA has up for sale.
2. Wetlands Investigation:
  - At the August meeting, the Board authorized the Environmental Design Partnership (EDP) to conduct a wetlands investigation on the 26+/- acre parcel.
  - Five (5) separate wetlands cumulatively totaling 5.01 acres were identified.
  - These acres are under the jurisdiction of the US Army Corp of Engineers.
  - No NYSDEC regulated wetlands were identified.
  - EDP will now seek an approved Jurisdictional Determination (AJD) from the US Army Corp of Engineers and NYSDEC.

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that Howard Hannah is suggesting reducing the asking price of 26 acres in the Crossroads Park from \$595,000 to \$575,000. When this price reduction occurs, the listing goes back out to the agents that have looked at it and updated advertising will be conducted by Howard Hannah. He asked if there were any questions. There was none.

Jim Mraz reviewed the final wetlands map that was prepared by the Environmental Design Partnership (EDP). He showed all the data points that EDP used to define the boundaries of each wetland. He stated the next step in the process is for EDP to send the final wetland delineation report to the Army Corp of Engineers and NYS DEC to request jurisdictional determinations. Both agencies will come to the site and review the boundaries as proposed by EDP and determine if any changes need to be made. If changes are made, EDP will resurvey the boundaries to establish the final wetlands delineation map.

IDA ACTION: To reduce the asking price for the 26 +/- acres in the Crossroads Park from \$595,000 to \$575,000.

MOTION: Joe Semione  
 MADE BY: Joe Semione  
 SECONDED: Mike Fitzgerald  
 VOTE: Unanimous

**C. Development Strategy**

- Board of Supervisors hired the MRB Group to prepare the new Development Strategy.
- The Development Strategy will have 3 main components:
  1. Economic Development
  2. Housing

3. Tourism
  - MRB Group working to identify 5 projects in 3 main component area.
  - The County's Committee met recently to review the proposed projects.
  - MRB is scheduled to present the final Development Strategy to Board of Supervisors in November 2024.

**VI. NEW BUSINESS:**

**A. Proposed 2025 IDA Budget:**

- IDA Board must adopt and file in PARIS a 2025 Budget by November 1, 2024.
- IDA Board reviewed draft 2025 budget at its last meeting.
- Several suggestions were made that have been incorporated into revised budget
- See revised budget attached.

IDA DISCUSSION: Jim Mraz reviewed the final budget that includes to the changes that were suggested by the IDA Board at the last meeting. The first change was to add a line item of \$14,000 for a Website Research Project. The second was to add a line item for county projects and incorporate \$25,000 in that line item. These funds would be used in the event the County undertook a project or incentive in 2025 that the IDA wanted to contribute dollars to.

Jim Mraz stated that he will be retiring as the IDA Executive Director at the end of 2024. He asked the Board if they wanted to allocate dollars into the 2025 budget for him to provide consulting services. He reviewed some of the potential work tasks that he might provide. No services would be provided unless requested by Scott Henze who will become the new Executive Director in 2025. After a brief discussion, it was agreed to include a \$5,000 line item into the budget for consulting services.

Jim Mraz asked if there were any further comments on the budget, there were none.

IDA ACTION:

MOTION: To approve the 2025 budget as modified.

MADE BY: Joe Semione

SECONDED: Greg Truckenmiller

VOTE: Unanimous

**B. Group Meetings:**

**1. Background:**

- Representatives from the FCCRG, FMRCC, Visitor's Bureau, FMS Workforce Solutions, and IDA been meeting to discuss ways the entities could work together more efficiently. Two potential initiatives have been discussed:
  - a. **Shared Toolbox:**
    - A Shared Toolbox is a compilation of all service and programs currently offered and provided by:
      - a. FCCRG
      - b. FMRCC
      - c. FMS workforce Solutions
      - d. IDA
      - e. County Planning
      - f. Fulton County Visitor Bureau

- The Shared Toolbox will organize into three component areas.
  - 1) Economic Development
  - 2) Workforce
  - 3) Tourism
- The goal is for someone looking for information about either of these three (3) categories would click on one of those categories which would lead to a drop down showing approximately 12 services/programs. If that user then clicked on any of those 12 services/programs, it would show:
  - 1) Take the user to one of the entities websites where additional information would be available.
  - 2) The name, title, organization and contact information of the person who could be contacted for more information.

**b. Website Research Project**

1. Work Task

- Perform customer Development interviews
- Audit existing websites
- Define Target Audience
- Prepare plan to drive traffic and what users are searching for

2. Proposal

- The Group asked Emery Design for a cost proposal to perform the work tasks shown above for the Website Research Project.
- The four (4) partner agencies were asked to consider making a contribution toward the cost of this Project

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that the Fulton Montgomery Regional Chamber of Commerce and FM Workforce Solutions indicated that they do not have funds to help pay for the Website Research Project. Jim Mraz stated that Scott Henze discussed the project with the Economic Development and Environmental Committee at the Board of Supervisors meeting last week. He stated the Committee was receptive to having the Visitor's Bureau provide some funding towards this project. He stated that the Committee however did not discuss an amount pending the review of a revised proposal from Emery Designs to conduct this research project. He stated that the revised proposal was not available when Scott went to the committee. He stated the revised proposal has now been received from Emery Design.

Jim Mraz stated that the Fulton County Center for Regional Growth has indicated that they may provide some funding towards this project. He stated, however, the FCCRG wanted to see the revised proposal from Emery Design, which they now have and also wanted to see the new Development Strategy to see if there was anything in there that would indicate that there may not be a need to conduct this website research project. As a result, Jim Mraz suggested that the IDA Board hold off on acting on Emery Design's proposal.

Mike Fitzgerald stated that a key issue regarding this website research project remains unresolved. He stated who would be responsible for maintaining and hosting a new website has yet to be determined. Sue Collins added that hearing the responses from some of the partners, she also has a concern on this matter. Jim Mraz added that this issue should be resolved before spending on any money on a website research project. He suggested that Sue Collins touch base with Kent Kirch and try and schedule another meeting of the group to resolve this issue.

## **C. Potential New Substation:**

### **1. Background:**

- There have been some initial discussions with National Grid (NG) regarding the potential for bringing additional power to Tryon.
- Tryon is currently fed by an electrical circuit coming from NG's Stoner Trail Substation.
- NG has advised that there is no available power from that substation for new industrial customers.
- NG is responsible, by Tariff for providing power to any customer who needs up to 2.5 MW of power.
- If a company wants to move to Tryon and needs less than 2.5 MW of power, NG will need to find a way to bring that power to Tryon.
- All projects in the three (3) industrial/business parks, except Fage, use less than 2.5 MW of power.

### **2. Potential New Substation:**

- One option for bringing additional power to Tryon would be to build a new electrical substation along CR 107 when NG's 115 KV Transmission Main that crosses CR 107 about 1 mile east of Tryon.
- Two (2) options exist:
  - Construct a distribution level substation that could provide up to two new express feeder circuits into Tryon each providing 12MW+/- that could be split once in the Park and could serve the 4 sites Winstanley has identified on its Site Plan for Tryon. One feed could serve 2 parcels at 6MW each or a variation that would total 12MW. NG would not combine 12+12 to one parcel.
  - Construct a transmission level substation that could support up to 20 MW but would only service 1 site and 1 customer. The other 3 sites on Winstanley's Site Plan would be serviced by up to 2.5 MW of power that National Grid would provide.
- National Grid has advised that an Interconnect Study would need to be prepared regarding developing a new substation. National Grid has advised that the IDA needs to decide whether it wants to pursue having a distribution or transmission level substation developed.
- Whichever option the IDA prefers, the Interconnect Study would then evaluate the feasibility of that option

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated National Grid would like the IDA Board to decide whether to pursue a distribution or transmission level new substation. He stated National Grid needs that direction in order for them to conduct an Interconnect Study. He reviewed the information on the Agenda regarding the two options. He stated he had reviewed these two options with Winstanley Enterprises. Adam Winstanley recommends the IDA pursue a distribution level substation. After a brief discussion, it was the unanimous consensus of all IDA members present to pursue the development of a distribution level substation at Tryon.

Joe Semione asked what the cost of this interconnect study may be. Sue Collins estimated the cost of conducting the Interconnect Study would be around \$50,000. Joe Semione recommends that the IDA budget that was just adopted be amended to add a line item for the Interconnect Study at a cost of \$50,000.



IDA ACTION:

MOTION: To endorse the development of a distribution level substation at Tryon and to amend the 2025 budget to add the line item for conducting an Interconnect Study at an estimated cost at \$50,000.

MADE BY: Dave D'Amore

SECONDED: Greg Truckenmiller

VOTE: Unanimous

**D. EPA Cleanup Grant**

**1. Background:**

- EPA has announced that applications will now be accepted on November 14, 2024 for an EPA Cleanup Grant.
- It is proposed that the IDA apply for an EPA Cleanup Grant to tear down the 2 remaining buildings at Tryon.
- Met with HRP Associated to discuss preparing a grant application.
- A part of the application package is preparing an alternative Brownfield Cleanup Analysis (ABCA). HRP will prepare this ABCA for the IDA.

**2. Public Meeting:**

- IDA must hold a public meeting to discuss the draft application and consider public comments prior to the submittal of the application. A regularly scheduled community meeting where multiple topics are discussed is sufficient to meet this requirement provided there is an opportunity to discuss the draft application. The public meeting may be held in person, virtually and/or by teleconference, must be accessible to persons with limited English proficiency and persons with disabilities, and must be held prior to the submittal of this application. From the meeting, the IDA must produce:
  - The comments or a summary of the public comments received.
  - The applicant's response to those comments.
  - Meeting notes or a summary of the public meeting(s), and
  - Meeting sign in sheet/participant list.
- IDA must publish a community notification ad for the public meeting in the local newspaper or an equivalent means customarily used to communicate to the target community (ies) (e.g. notifying the target community via website, listserv, social media, radio, or television broadcast, etc) no later than 14 calendar days before the application is submitted to EPA. The community notification as (or equivalent) must clearly state:
  - That a copy of the grant application, including the draft ABCA(s) is available for public review and comment.
  - How to comment on the draft application
  - Where the draft application is located (e.g. town hall, library, website) and
  - The date, time, and location of the public meeting(s)

- All target communities, including community members with limited English proficiency and community members with disabilities, must receive the notification and be provided an opportunity to comment on the application.
- Proposed date for public meeting:  
**Tuesday**  
**October 15, 2024**  
**10:00 am**  
**Planning Department Conference Room**

IDA DISCUSSION: Jim Mraz reviewed the information on the Agenda. He stated that he receive an email from HRP associates stating that the EPA determined that the IDA was not an eligible applicant for an EPA Cleanup Grant. He stated he is working with Kara to develop a response to the EPA in an effort to try to change their mind regarding the IDA's eligibility. He stated if the IDA successful in changing EPA's opinion on the IDA's eligibility, the IDA would then have to conduct this public meeting that was referenced in the Agenda. He stated that he would still like the IDA Board to authorize conducting this public hearing.

IDA ACTION:

MOTION: To schedule a Public Meeting on the EPA Cleanup Grant Application and ABCA for Tuesday October 15, 2024 @ 10:00 AM in the Planning Department Conference Room.

MADE BY: Sue Collins

SECONDED: Greg Truckenmiller

VOTE: Unanimous

## **E. Everyone Chips In Workshop**

### **1. Background**

- At the direction of Chairman Fitzgerald, a Workshop was held on September 26, 2024 at FMCC to discuss how Fulton and Montgomery Counties can benefit from the billions of dollars being invested in New York State in the semiconductor field.
- Representatives from Empire State Development, NYS Economic Development Council, NYS Association of Training Employment Professionals, NYS Department of Labor, FMS Workforce Solutions, FMCC, Global Foundries, Career & Technical Education at HFM BOCES and others all participated in the workshop.

### **2. Investments in Semiconductor sector in New York**

#### **a. General**

- One in four USA made chips are being made within 350 miles of upstate New York.
- These are currently 156 semiconductor supply chain companies operating in New York State.
- Over \$112 billion has been invested in New York State since 2022.

#### **b. Micron Project in Clay, NY**

- Will invest over \$100+ billion over the next 20 Years.
- Project will include construction of four (4) 600,000 sf clear rooms.
- Will create 9,000 new jobs at Micron Plant.

#### **c. Wolf speed Project in Utica, NY**

- Invested over \$1 billion in this new Fab.
- Is the world's 1<sup>st</sup> and largest and only 200 mm silicon carbide Fab to support the electric vehicle market.



- Project will create 600 new high-tech jobs.
- d. **Global Foundries Expansion, Malta, NY**
  - Will be investing over \$12 billion
  - Will manufacture chips for automotive industry
  - Will create 1,500 new manufacturing jobs.
- e. **New York Creates Campus, Albany, NY**
  - New York Creates owns and operates the Nation’s largest and most advanced R & D facility-The Albany Nanotech Complex.
  - The campus has 200+ partners, 150,000 sf of space, 2,750 scientists, Engineers and staff and has 50,000 sf of new clean room space under construction.

### **3. Fulton & Montgomery County’s Role**

- Several speakers commented that the region is probably not going to land a Fab.
- However, with the investments being made along the I-90 corridor and in Malta, this region may be positioned to attract logistic and supply chain companies servicing these Fabs.
- To do so, need to learn about what the facility needs are for these logistic and supply chain companies and what skills will they require of their workers.

## **VII. OTHER BUSINESS:**

### **A. Board Training: Proposed Changes to NYDEC’S Wetlands Regulations**

#### **1. Background**

- New York State began identifying and regulating wetlands in, 1975, when the State Legislative adapted the New York State Freshwater Wetlands Act.
- Under that law, the State regulated wetlands 12.4 acres or more in size and wetlands of unusual local importance.
- In New York, there are three entities that regulate wetlands:
  - NYS DEC
  - Army Corp of Engineers
  - Adirondack Park Agency
- Each entity defines wetlands differently and have different regulations.

#### **2. Proposed Changes to NYS Wetlands Regulations**

- NYS is proposing several important changes to how it will regulate wetlands. These changes include:
  - a. Beginning January 1, 2025, existing mapping depicting Department of Environmental Conservation (DEC) regulated freshwater wetlands will become informational only and will no longer limit DEC regulation to wetlands depicted on those maps. Wetlands meeting applicable criteria, as outlined below in “Classification Procedures” will be regulated by NYSDEC and subject to permitting, regardless of whether they are illustrated on the wetland mapping. To determine if state regulated freshwater wetlands or their regulated adjacent areas are on a parcel, DEC will rely primarily on aerial imagery and remote data.
  - b. Also, beginning January 1, 2025, smaller wetlands of “unusual importance” will be regulated. The regulations describe wetlands of unusual importance based on 11 newly established statutory criteria. Notably, wetlands less that 12.5 acres that would be protected include:
    - Urban wetlands
    - Wetlands located in watersheds that have experienced significant flooding in the past or are expected to experience significant flooding in the future from severe storm events:

- Wetlands containing habitat for an essential behavior or endangered or threatened species as well as species of special concern and species of greatest conservation need;
- All Class I wetlands;
- Vernal pools known to be productive for amphibian breeding (based on the number of salamander and / or frog egg masses ) ; and
- Wetlands that are determined to be significant importance to protecting the state’s water quality as determined by NYSDEC.

The draft regulations also expand NYSDEC’s jurisdiction over wetlands buffers, referred to as “adjacent areas.” Since the Act was passed in 1975, NYSDEC has regulated activities that occur within 100-foot area adjacent to the wetland boundary. The draft regulations expand the adjacent area to 300 feet for nutrient poor wetlands and 800 feet for vernal pools known to be productive for amphibian breeding. These wetlands and their expanded adjacent areas are future defined in the regulations.

- c. Beginning in 2028, wetlands 7.4 acres or larger will be regulated, which is down from the current threshold of 12.4 acres. The smaller wetlands of “unusual importance” will still be regulated if they meet one of the newly listed criteria.
- d. Extending Adjacent Areas. The adjacent area of Nutrient Poor Wetlands documented by the department shall be extended to 300 feet to protect and preserve the wetland.
- e. Treatment of Two of More Areas as a Single Wetland. Two or more areas identified by the department as freshwater wetlands pursuant if they are hydrologically connected, either on the surface or sub surface, and no more than 50 meters (approximately 164.04 feet) apart.
- f. Procedure for Jurisdictional Determinations (JD)
  1. Any person may submit to the Department of Environmental Conservation a request for a determination as to whether a given parcel of land includes freshwater wetlands or freshwater wetlands adjacent areas subject to state regulation. Such request may also inquire as to whether a permit is required for a proposed activity, provided the person has submitted a verified wetland delineation and site-specific development plans to DEC.
  2. The Department shall provide a definite answer in writing within 90 days of such request. However, it may extend such period until a determination can be made due to weather or ground condition preventing the department from making a jurisdictional determination.
  3. Jurisdictional determinations, which are appealable, are valid for a period of five years from the date it is issued.

### 3. Questions & Answers on Proposed Changes

- See attached

### 3. Executive Session:

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:
  - i. matters which will imperil the public safety if disclosed;
  - ii. any matter which may disclose the identity of a law enforcement agent or informer;
  - iii. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
  - iv. discussions regarding proposed, pending or current litigation;
  - v. collective negotiations pursuant to article fourteen of the civil service law;

- vi. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- vii. the preparation, grading or administration of examinations;
- viii. **the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.**

MOTION: To go into Executive Session to discuss the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof

MADE BY : Mike Fitzgerald  
 SECOND : Dave D'Amore  
 VOTE : Unanimous  
 TIME : 8:49 AM

MOTION : To go out of Executive Session.

MADE BY : Joe Semione  
 SECOND : Mike Fitzgerald  
 VOTE : Unanimous  
 TIME : 9:17 AM

**B. NEXT MEETING:**

Tuesday  
 November 12, 2024  
 8:00 a.m.

**C. CLOSE MEETING:**

MOTION : To close the meeting  
 MADE BY : Sue Collins  
 SECONDED : Joe Semione  
 VOTE : Unanimous  
 TIME : 9:17 AM

**FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
PROPOSED 2025 BUDGET**

	ADOPTED 2024 BUDGET	PROPOSED 2025 BUDGET
<b>REVENUE &amp; FINANCIAL SOURCES:</b>		
<b>Operating Revenues</b>		
Charges for services		
Rental & financing income		
Other operating revenues	\$ 102,000.00	\$ 27,000.00
- Administrative Fee (Hoffman CarWash/Benjamin Moore)	\$ 800.00	\$ 800.00
- Land Lease	\$ 1,200.00	\$ 1,200.00
- Winstanley Option	\$ 100,000.00	\$ 25,000.00
<b>Nonoperating Revenues</b>		
Investment earnings	\$ 9,000.00	\$ 40,000.00
State subsidies/grants		
Federal subsidies/grants		
Municipal subsidies/grants	\$ -	\$ -
- Fulton County		
Public authority subsidies		
Other nonoperating revenues:	\$ 140,507.00	\$ 205,320.00
- Transfer	\$ 125,507.00	\$ 188,320.00
- Winstanley Reimbursement for Mowing	\$ 10,000.00	\$ 12,000.00
- Gloversville Water Board: Year 4	\$ 5,000.00	\$ 5,000.00
<b>Total Revenue &amp; Financial Sources</b>	<b>\$ 251,507.00</b>	<b>\$ 272,320.00</b>
<b>EXPENDITURES:</b>		
<b>Operating Expenditures</b>		
Salaries and wages: Executive Director and CFO	\$ 38,287.00	\$ 42,000.00
Other employee benefits		
Professional services contracts	\$ 139,000.00	\$ 139,000.00
-West & Company	\$ 10,000.00	\$ 10,000.00
-Legal	\$ 9,000.00	\$ 9,000.00
-Shovel-ready Sites: Engineering/Realtor	\$ 120,000.00	\$ 120,000.00
Supplies and materials		
Other operating expenditures	\$ 58,770.00	\$ 73,220.00
-Meetings (2)	\$ 1,500.00	\$ 1,500.00
-NYSEDC Membership	\$ 900.00	\$ 900.00
-FCCRG Gold Membership	\$ 1,000.00	\$ 1,000.00
-FMRCOC Membership		\$ 400.00
-IDA website	\$ 15,000.00	\$ 15,000.00
-Website Research Project		\$ 14,000.00
-Miscellaneous	\$ 250.00	\$ 250.00
-Quicken	\$ 70.00	\$ 70.00
-Sponsorships	\$ 5,000.00	\$ 5,000.00
-County Projects	\$ 25,000.00	\$ 25,000.00
-Town of Johnstown Fire Taxes: NYS Rt. 30A properties	\$ 50.00	\$ 100.00
-Crossroads Business Park	\$ 10,000.00	\$ 10,000.00
<b>Nonoperating Expenditures</b>	\$ -	\$ -
Payment of principal on debt		
Interest and other financing charges		
Grants and donations		
Other nonoperating expenditures: Tryon	\$ 15,450.00	\$ 18,100.00
- Mowing/Sign	\$ 10,000.00	\$ 12,000.00
- Town of Johnstown Fire Tax	\$ 600.00	\$ 600.00
- Town of Perth Fire Tax	\$ -	\$ -
- NYMIR	\$ 4,200.00	\$ 5,000.00
- SPDES Permit	\$ 150.00	
- Miscellaneous	\$ 500.00	\$ 500.00
<b>Total Expenditures</b>	<b>\$ 251,507.00</b>	<b>\$ 272,320.00</b>
<b>Capital Contributions</b>	\$ -	\$ -
<b>Excess (deficiency) of revenues and capital contributions over expenditures</b>	\$ -	\$ -

## ***Fulton County Center for Regional Growth***

**October 2024**

### **Business Marketing / Business Leads / Business Inquires**

1. CRG had loan closings on micro-loans as bridge loans to Thryve Yoga Holistic & Wellness Center, My Life – this time around, and Vassar Mobile Phlebotomy. The City of Gloversville Loan Fund loan to Ricmar Design and Print, LLC., approved in August is moving through the closing process.
2. 2024 - \$300,000 Microenterprise Grant: The first drawdown was submitted to the state for seven businesses, waiting on NYS approval.
3. CRG submitted a workforce grant through the NYS CFA Process. It was part of the Catalyst Grant approved for the Mohawk Valley Regional Council. NYS has indicated an announcement will be coming out later in the fall.
4. EPA finished reviewing required application documents for CRG's second brownfield assessment grant (\$500,000) and is now approved. We are in the process of finalizing an RFP for an EPA engineering consultant.
5. The Gloversville Downtown Development Specialist continues to meet with DRI project awardees and is currently working on the capital stacking process for each project.
6. The Gloversville DDS continues to work with downtown related activities including the Local Waterfront Revitalization Program and the city's Brownfield Opportunity Area (BOA).
7. Our dates are now set for the 2025 Mohawk Valley Brownfields Developer Summit. The 2025 dates are April 29<sup>th</sup> and April 30<sup>th</sup> > more information to follow.



# Questions and Answers on Amendments to the Freshwater Wetlands Act, 6 NYCRR Part 664

**Date: August 14, 2024**

Beginning January 1, 2025, amendments to the Freshwater Wetlands Act will take effect. DEC is proposing to repeal 6 NYCRR Part 664, Freshwater Wetlands Maps and Classification, and replace it with a new Part 664, Freshwater Wetlands Jurisdiction and Classification to implement these changes. DEC has received the following questions regarding these amendments. This document will be updated as more questions are received during this comment period.

## General

**1.) Q: What are the practical implications of the four classifications?**

A: Wetland classifications relate to Permit Issuance Standards found under 6 NYCRR Part 663: Freshwater Wetlands Requirements Regulations. Classifications are applied as DEC reviews project proposals with Class I wetlands having the highest level of restrictions and Class IV having less restrictions on activities that may be permitted as project proposals are reviewed for permitting purposes. The levels of restriction are found in 6 NYCRR Part 663.4 and 663.5.

**2.) Q: How will a landowner determine if they have regulated wetlands on their property?**

A: The changes to the Freshwater Wetlands Act that take effect in 2025 will result in changes to the process for stakeholders to determine if regulated wetlands are located on a parcel. Until 2025, regulated wetlands must be shown on regulatory maps. In 2025, regulatory maps will be replaced with informational maps. While informational maps will be available on DEC's website during fall 2024, stakeholders will need to contact the Bureau of Ecosystem Health in Albany for a jurisdictional determination of whether a parcel is regulated. DEC is developing protocols for conducting jurisdictional determinations. Responses to the Advance Notice of Proposed Rulemaking that was circulated in January 2024 are being used to inform development of the formal regulatory proposal that will clarify provisions contained in changes to the Freshwater Wetlands Act.

**3.) Q: Why will DEC regulate adjacent areas within 100 feet of the wetland?**

A: DEC has always regulated a 100-foot adjacent area to buffer state jurisdictional wetlands regulated under the Freshwater Wetlands Act. This buffer zone serves to protect and preserve the functions and benefits of state jurisdictional wetlands as impacts within 100 feet of wetlands often result in impacts to the wetlands themselves.

**4.) Q: Will a link to state maps be provided?**

A: DEC is currently working with the Cornell University Institute for Resource Information Sciences (IRIS) to model freshwater wetlands throughout the state. Once complete, the modeled freshwater wetland "informational maps" will be accessible through DEC's [Environmental Resource Mapper](#) or the [DEC infoLocator](#). Initially, the informational maps will only depict the extent of freshwater wetlands according to how they were modeled.

Please note that the Freshwater Wetland Informational Maps will serve for informational purposes only: their mapped extent will not dictate the extent of jurisdiction and will serve as one remote

data source among many that will be used by DEC in making remote jurisdictional determinations. The extent of state freshwater wetland jurisdictional protection will be determined according to field conditions identified through wetland delineations conducted by DEC or verified by DEC following delineation by qualified consultants in the field.

### Unusual Importance Criteria

**5.) Q: Does a wetland need to be located within 2.48 miles of an Urban Area, or are wetlands that fall within that Urban Area buffer or Urban Area boundaries themselves jurisdictional?**

A: There are two “unusual importance” regulations that address this question:

1. According to statutory changes to Article 24, wetlands that are entirely or partially within urban areas identified by the US Census Bureau will be jurisdictional under the state Freshwater Wetlands Protection Program as of January 1, 2025.
2. The 2.48-mile distance in the draft regulations pertains to wetlands that fall within USGS HUC 12 watersheds that are within a 2.48-mile urban buffer. However, under the draft regulations, only wetlands that fall within HUC 12 watersheds that *also meet two additional criteria* will be jurisdictional. In addition to falling within a HUC 12 watershed that’s 2.48 miles (4 km) or less from a US census bureau designated urban area, the wetlands must fall within a HUC 12 watershed having 2% or greater impervious surface, *and* less than 5% floodwater storage capacity. In summary, according to the proposed regulations, only wetlands meeting *all three* of these criteria will be state jurisdictional.

**6.) Q: What resources can a citizen use to determine if a wetland is in a Critical Environmental Area, or if that area has specific protection by a local government?**

A: Critical Environmental Areas may be viewed using the DECinfo Locator mapping tool accessed here: <https://gisservices.dec.ny.gov/gis/dil/>. Alternatively, Geographic Information Systems (GIS) Critical Environmental Area data may be downloaded via the NYS GIS Clearinghouse by following this link: <https://data.gis.ny.gov/datasets/225ec0de95304801a898597699226f3e/explore>

**7.) Q: Who determines whether an area contains habitat for an essential behavior of a species, and how will such determinations be made remotely?**

A: Defined under 6 NYCRR Part 182, “essential behavior” includes behaviors associated with breeding, hibernation, reproduction, feeding, sheltering, migration and overwintering. For jurisdictional purposes, DEC determines whether habitat is occupied based on whether there are verified reports of a protected species engaging in one or more essential behaviors in the freshwater wetland in question. The review process is data driven in that the jurisdictional determination team in DEC’s central office will review existing survey data points in relation to the wetland areas being reviewed as jurisdictional determinations are made.

**8.) Q: How will vernal pools be regulated on private land? \*How does DEC anticipate these criteria to be carried out in a pragmatic way?**

A: State regulation of vernal pools on private lands will largely be voluntary because any vernal pool must be in DEC’s Productive Vernal Pool database as a pool “known to be productive for amphibian breeding” to be jurisdictional under the Freshwater Wetlands Protection Program.

DEC's Productive Vernal Pools database will only include pools that a qualified ecologist has pre-determined to be productive based on egg mass counts of specific target species within the Hudson-Mohawk, Great Lakes, Lower Hudson – New York City – Long Island, Adirondack, and Southern Tier regions of the state. If a vernal pool is not listed on DEC's Productive Vernal Pools database at the time a jurisdictional determination is being made, it has not been documented as being productive according to proposed criteria and will therefore be non-jurisdictional.

### Projects in the Pipeline

9.) Q: If wetlands on a parcel with proposed development received a jurisdictional determination (JD) by DEC in 2024, but no necessary permits have been either applied for or granted by 12/31/24, do the new regs apply to that parcel as of 1/1/25?

A: If there is just a JD and nothing further then the new regulations will apply to any wetlands on the parcel meeting the proposed jurisdictional criteria. If issued a "confirmed complete" status on an application, then the new regulation won't apply until the expiration of the permit.

Projects meeting the following criteria prior to January 1, 2025, will be allowed to continue without any change in Article 24 jurisdiction for the following specified terms...

#### Projects With Mapped State Regulated Wetlands

##### §664.1 Applicability: (c)

Condition Met Before 2025	Scope of Project (UPA Major/Minor Part 621.4(j))	New Regulations Won't Apply Until
If Issued DEC Freshwater Wetlands Permit -OR- DEC Notice of Complete Freshwater Wetlands Permit Application	Major or Minor	Issued Permit Expiration

#### Projects Without Mapped State Regulated Wetlands

##### §664.1 Applicability: (d)(1),(2)

Condition Met Before 2025	Scope of Project (UPA Major/Minor Part 621.4(j))	New Regulations Won't Apply Until
FEIS (under Part 617) -OR- Negative Declaration for a Type 1 Action -OR- Site plan approval by municipality	Major	July 2028 (3.5 years)
	Minor	January 2027 (2 years)

### Jurisdictional Determinations

10.) Q: How will people submit requests for Jurisdictional Determinations?

A: All parties wishing to receive a jurisdictional determination for a given parcel or group of parcels will submit their request electronically through DEC's website. The program and process that DEC will use to receive, process, and respond to jurisdictional determination requests is currently under development.

**11.) Q: What sort of timeline/turnaround can we expect for the remote determination and subsequent delineation or verification of wetland delineation reports?**

A: With no means of accurately predicting the volume of jurisdictional determination requests the department will receive, we do not currently have a way of estimating a general timeline within which determinations will typically be made. The proposed regulations provide the department with 90 days following receipt of a jurisdictional determination request to satisfy the request unless weather or on-site ground conditions prevent the department from making a determination within the standard timeframe. In such cases, the department will notify the requestor of the need for an extension and reason(s) for the extension. According to the proposed regulations, if the department fails to meet the 90-day timeframe or provide a notification of an extension, the requestor can submit a notice of the failure to the department via certified mail with their name and copy of any materials sent with the initial request. If the department then fails to respond with a determination within 10 business days of such notice, state freshwater wetland jurisdiction for the subject parcel will be waived for a period of five years beginning on the date following the tenth business day.

### **Lakes and Submergent Vegetation**

**12.) Q: What areas of lakes will DEC regulate?**

A: The Freshwater Wetlands Act states that contiguous areas of wetland vegetation, including submergent vegetation, that meet the minimum acreage 12.4 acres or greater will be regulated from January 1, 2025, until December 31, 2027. January 1, 2028, the default size threshold of regulated wetlands will decrease from 12.4 acres to 7.4 acres. The law regulates certain activities located in the wetland and adjacent areas within 100 feet of the wetland. The precise extent of regulated wetlands in and near a lake will be guided by yet-to-be-finalized regulations.

**13.) Q: How will the new regulations impact what can be done to manage aquatic vegetation in lakes?**

A: DEC has long regulated herbicide applications in lakes, while vegetation harvesting has only been regulated in or near mapped areas of wetlands. Beginning in 2025, these activities will be regulated by the Freshwater Wetlands Act on portions of the lakes that are currently functioning as wetland with submergent vegetation beds that meet the wetland size criteria of greater than 12.4 acres.

**14.) Q: How will the new regulations impact using herbicides to control nuisance aquatic vegetation and invasive species?**

A: Herbicide treatments and vegetation harvesting are regulated activities pursuant to the Freshwater Wetlands Act and supporting regulations. Proposals to conduct these activities require a freshwater wetlands permit and must ultimately meet DEC's permit issuance standards. DEC will be working with lake stakeholders to develop freshwater wetlands general permits that provide an efficient path for landowners in all municipalities surrounding the lake to comply with the new wetland's regulations. Regardless of multiyear general permits to address wetlands permitting requirements, herbicide treatments will continue to require 6 NYCRR Part 327

pesticide application permits annually.

**15.) Q: Will DEC issue multiyear freshwater wetland permits?**

A: Individual and general freshwater wetland permits can be valid for multiple years. However, applications of herbicides in regulated wetlands within a lake will require both a wetland's permit and a pesticides permit. Since New York State's pesticide laws prohibit multiyear permits, herbicides permits must be obtained yearly.