

Town of Orleans
PO Box 103
LaFargeville, New York 13656
"This institution is an equal opportunity provider and employer"

Supervisor
Kevin Rarick 658-4411
Town Clerk
Tammy Donnelly 658-9950
Highway
Superintendent
Brian Kirkby 658-9920
Town Assessor
Dale Raymo 658-4309

Zoning Officer
Lee Shimmel 658-2057

Town Council
Gwen Kirkby
Peter Wilson
Mary Ford-Waterman
Thomas Johnston

March 2
February 2, 2022

BPAM NEPA
ATTN: John P. Petrilla
Environmental Branch Chief, Acting
U.S. Customs and Border Protection
24000 Avila Road, Suite 5020
Laguna Niguel, CA 92677

RE: Draft Environmental Assessment
Proposed new Wellesley Island Border Patrol Station,
US Customs and Border Protection, US Border Patrol, Buffalo Sector, NY
Town of Orleans

Dear Mr. Petrilla:

The Town Board of Orleans received and reviewed the draft Environmental Assessment for the above-referenced project and refamiliarized itself with the site and local land use requirements. The Town Board officially opposes the Proposed Project in this location pursuant to a Resolution adopted at a Special Meeting of the Town Board of Orleans conducted *March 2* February 2, 2022. A full and complete copy of the Resolution, with Exhibits is enclosed.

This expression is not intended to suggest lack of support for the Customs and Border Patrol efforts, nor a lack of local support for a new facility in a proper location.

Please direct any further inquiries to my attention. Thank you for your consideration of the Town Board's determination.

Very truly yours,

TOWN OF ORLANS



Kevin Rarick
Town Supervisor

JAB/sjw
Enclosure

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RESOLUTION
Resolution # 6 of 2022
OPPOSITION TO PROPOSED LOCATION FOR NEW WELLESLEY
ISLAND BORDER PATROL STATION, ORLEANS, NEW YORK
US Customs and Border Patrol, Buffalo Sector, NY

WHEREAS, the Town Board for the Town of Orleans, NY is vested with the responsibility to protect the health, safety, and welfare of all Orleans residents and the orderly development, and use, of real property located within the boundaries of the Town of Orleans, NY; and

WHEREAS, the Town Board meets its responsibilities herein by the drafting and adoption of the Town of Orleans Zoning Law and adherence with that law; and

WHEREAS, the Town Board meets its responsibilities herein by the creation, and adoption of its Comprehensive Plan as required by NY Town Law §272-a; and

WHEREAS, the Town Board meets its responsibilities herein by the creation of a Zoning Board of Appeals, a Planning Board, and a Zoning Enforcement Official, all with the responsibility to administer and enforce the Town of Orleans Zoning and in consideration of the Town Comprehensive Plan; and

WHEREAS, the Town Board meets its responsibilities herein by the appointment of an Assessor to perform the duties and responsibilities required by NY Real Property Tax Law to assist with the imposition and collection of real property taxes to help meet the financial obligations of the Town of Orleans on behalf of all Orleans residents; and

WHEREAS, the Town Board has received, and reviewed, a draft Environmental Assessment for the New Wellesley Island Border Patrol Station, US Border Patrol, Buffalo

Sector, NY, US Customs and Border Protection Department of Homeland Security, dated February 22, 2022, and has familiarized itself with the proposed project, its location within the Town of Orleans, and the potential impact the same would likely have on lands within the Town of Orleans, the impact the Proposed Project could have on the potential development of nearby lands, the potential impact on the value of nearby lands, and Town residents' health and welfare in general; and

WHEREAS, the US Customs and Board Protection has invited public comments to be received on or before March 10, 2022, for incorporation into any potential final Environmental Assessment, and

WHEREAS, the Town Board is prepared to proceed and expresses its official position on the proposed location for the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Orleans, New York as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if set forth hereafter.
2. NYS Law obligates municipalities to take a "hard look" at proposed actions before development to ensure they do not pose a significant adverse environmental impact upon the: site, surrounding neighborhood; or the community as a whole. This environmental review is known as the State Environmental Quality Review Law or "SEQR". See NY Env. Cons. Law §3-0301, et. seq.
3. The Town is required to adhere to regulations promulgated pursuant to SEQR as it performs its environmental review. See SEQR regulations Part 617 of Title 6 of the NYS Codes, Rules and Regulations.
4. Although the Project has not been submitted for an Environmental review locally, if it were, it is obvious that it would be classified as a "Type 1" action. See 6 NYCRR §617.4(b)(3) and (6).
5. A Type 1 classification would culminate in the identification of potential Project impacts in an EAF Part 2 Form. A copy of such a Form is attached as **Exhibit "A"**.
6. A review of the eighteen (18) subject areas from EAF Part 2 reveals the Proposed Project would likely have a moderate to large impact on several

of the areas of inquiry. See Exhibit A. (A detailed analysis is not possible at this time since no SEQR EAF Part 1 has been, nor will be, submitted to the Board).

7. A finding of even one (1) potential moderate to large impact would result in a for more detailed environmental Impact Statement. See 6 NYCRR §617.7-12.
8. The Draft submitted is not adequate for the Town Board's "hard look" obligations under SEQR.
9. The Board can, however, identify some areas of concern from a zoning perspective and municipal perspective and which are a part of any environmental review.
10. The site for the proposed project is located within the Town Rural Residence District along the Seaway Trail, a NYS Scenic Byway and which was created to avoid a multitude of commercial uses. See Town Zoning Law §3.01(B). A copy of the Town's Zoning Map and portion of its Zoning Law are attached as **Exhibit "B"**.
11. The proposed development, and use, of the site for the Proposed Project is not consistent with, and is not authorized, as a permitted use; site plan use; or special use under the Town's Zoning. A copy of authorized activities is attached as **Exhibit "C"**.
12. The Town Board recently adopted its Comprehensive Plan as required by NY Town Law §272-a and which, in relevant part, culminated in the expression of the Town's vision, goals, objectives, and project considerations for the future. A copy of Chapter 8 of the Comprehensive Plan is attached as **Exhibit "D"**.
13. The Proposed Project is not consistent with, and is incompatible with, the Town's vision for further development in that area.
14. The Town Board is aware that the proposed project would be tax exempt. This means the valuable real property would be effectively removed from the Tax Roll with no possibility of taxable development on the site consistent with the Comprehensive Plan for decades to come. The Proposed Project will shift the financial burden for services upon the balance of lands (and landowners) within the Town.

- 15. Residents near the site of the proposed project have expressed their concerns that the proposed project would have a "chilling effect" upon nearby future development and could diminish real property values of those lands in close proximity to the proposed project. The Town Assessor agrees, although the magnitude of the same cannot be quantified at this time.
- 16. The Town Board has considered the above and opposes development of the site for the Proposed Project.
- 17. This Resolution shall become effective immediately and be provided to any interested person.

The foregoing Resolution was offered by Board Member, Gwen Kirkby, and seconded by Board Member, Mary Ford-Waterman and upon roll call vote of the Board was duly adopted as follows:

Supervisor Kevin Rarick	Yes <u>X</u>	No <u> </u>
Thomas Johnston	Yes <u> </u>	No <u>absent</u>
Gwendolyn Kirkby	Yes <u>X</u>	No <u> </u>
Peter Wilson	Yes <u>X</u>	No <u> </u>
Mary Ford-Waterman	Yes <u>X</u>	No <u> </u>

Dated: March 2, 2022

Tammy Donnelly
Tammy Donnelly, Town Clerk