

To: Members of the Town Board as Lead Agency to the proposed Long Road warehouse project

On September 23, 2024, a tractor trailer ran into the supporting structure of the Bedell Road overpass. After this incident, and subsequent inspection of the overpass, weight limit restrictions were posted for vehicles traveling across the bridge. This weight limit is still in effect and is posted as 18 tons (36,000 pounds). After this incident, a notice was circulated to Grand Island Fire Company personnel that their heavy trucks were prohibited from using the overpass due to the weight limitation. In addition, a fully-loaded tractor trailer weighs in the neighborhood of 70-80,000 pounds and is also prohibited from using the overpass.

This is a significant event that should be properly evaluated in light of the proposed warehouse on Long Road. The FSEIS that is now in front of the Town Board should be delayed until such time as the impact of this change can be properly studied. Even though the Bedell Road entrance to the proposed facility is not meant for truck traffic, it has been cited as an alternative entrance should any trucks miss the Long Road entrance or the Long Road overpass is temporarily out of service for any reason. The fact that our Fire Service equipment would be unable to use this overpass in the case of a major emergency within the facility should also be taken into consideration, especially if the Long Road overpass is blocked for any reason.

This incident should serve as a real-life example of why the FSEIS should identify a reasonable alternative to the scenario where the Long Road overpass may be out of commission for an extended period of time. Imagine if this incident occurred to the Long Road overpass after the warehouse was in operation. The developer's contention that this is a "rare" occurrence should not be deemed acceptable as a mitigation.

Under the State Environmental Quality Review Act (SEQRA), a lead agency has specific legal obligations when a significant environmental impact affecting an action occurs before the Final Environmental Impact Statement (FEIS) is accepted as complete. If new information is discovered, or changes in circumstances related to the project arise that were not previously considered, the lead agency must rescind a negative declaration if it determines that a significant adverse environmental impact may result. **6 NYCRR 617.7(f)(1)(ii) and (iii)**; *Matter of Global Cos. LLC v New York State Dept. of Env'tl. Conservation*, 155 A.D.3d 93 (3rd Dept. 2017).

Additionally, the lead agency may require a supplemental Environmental Impact Statement (EIS) to address specific significant adverse environmental impacts not addressed or inadequately addressed in the original EIS. This requirement is based on the importance and relevance of the new information and the present state of the information in the EIS. The lead agency must ensure that the supplemental EIS undergoes the full procedural requirements, including public comment and review. 6 NYCRR § 617.9.

In summary, the lead agency must take a "hard look" at any new significant environmental impacts and may need to prepare a supplemental EIS to address these impacts before accepting the FEIS as complete. *Matter of Riverkeeper, Inc. v. Planning Bd. of Town of Southeast*, 9 N.Y.3d 219 (2007). The agency's determination must be based on a reasoned elaboration and supported by substantial evidence to avoid being arbitrary or capricious. *Matter of Town of Amsterdam v. Amsterdam Indus. Dev. Agency*, 95 A.D.3d 1539 (3rd Dept. 2012).

I respectfully request that a thorough evaluation of this significant environmental impact be conducted before the FSEIS is considered complete.

Regards,

Catherine J. Rayhill

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cc: Dan Spitzer, Town Attorney

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