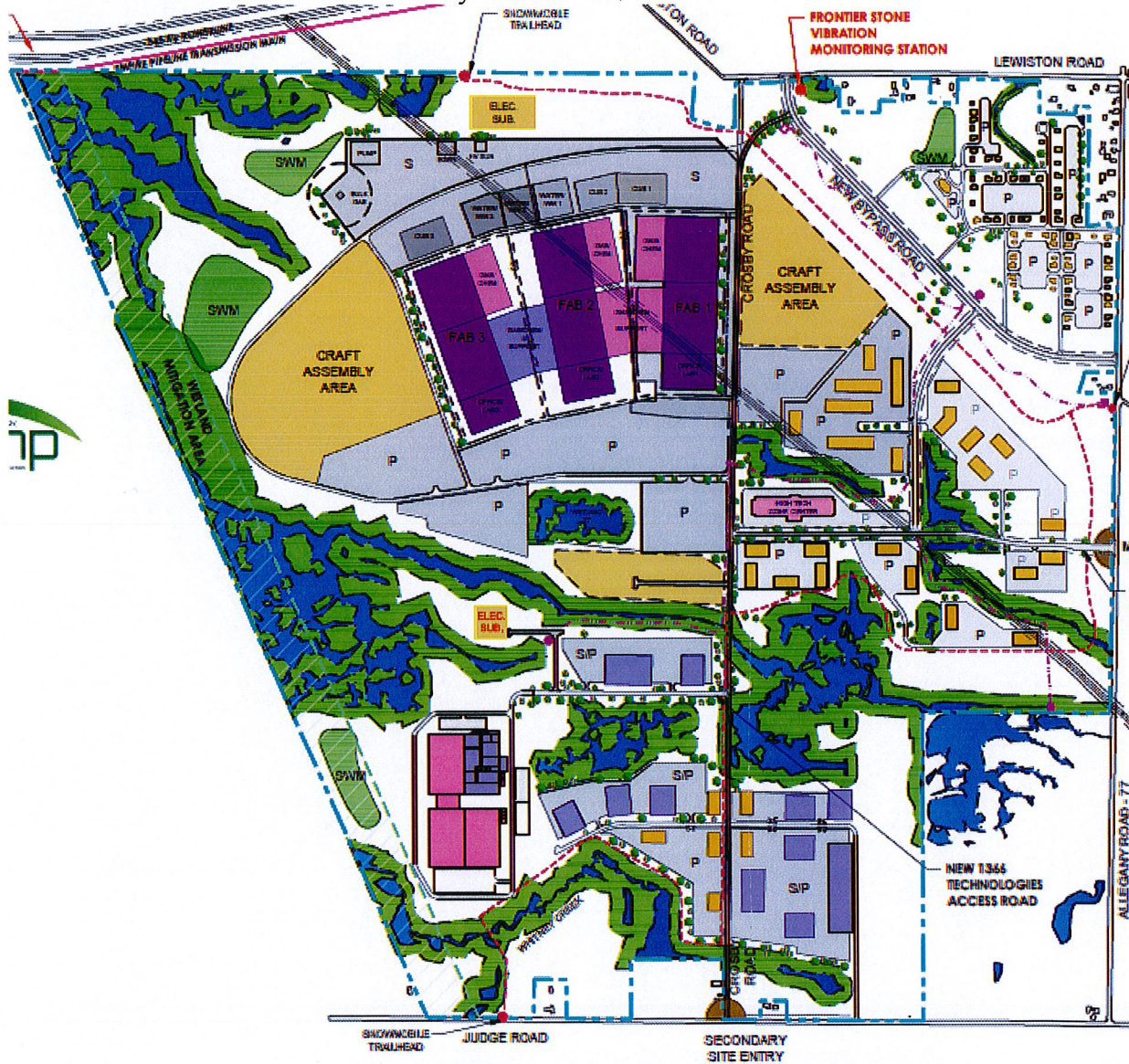


New York State Environmental Quality Review Act
Lead Agency Amended Findings Statement
for the
Western New York Science & Technology
Advanced Manufacturing Park (STAMP)
July, 2016

Town of Alabama
County of Genesee, New York



Lead Agency and Project Sponsor:
Genesee County Economic Development Center (GCEDC)



NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER

AMENDED FINDINGS STATEMENT

**WESTERN NEW YORK SCIENCE & TECHNOLOGY
ADVANCED MANUFACTURING PARK (STAMP)**

This document is an amended Findings Statement prepared pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as “**SEQRA**”) by the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Corporation (“**GCEDC**”) as Lead Agency for the proposed Western New York Science & Technology Advanced Manufacturing Park (“**STAMP**” or the “**Project**”) an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway (“**Site**”) in the Town of Alabama, New York (“**Town**”). The GCEDC is the Project Sponsor and hereby approves the Project as modified and recommits to undertaking the Project.

This Amended Findings Statement draws upon the matters set forth in the SEQRA record, including the generic environmental impact statement consisting of the Draft Generic Environmental Impact Statement (“**DGEIS**”) accepted by the GCEDC on April 14, 2011, the Final Generic Environmental Impact Statement (“**FGEIS**”) accepted by the GCEDC on January 19, 2012, as well as the public comments on the DGEIS received at the May 12, 2011 public hearing and during the public comment period which was conducted from April 21, 2011 through June 23, 2011. (Collectively, the DGEIS and the FGEIS are referred to as the “**GEIS**”). A smart growth impact statement pursuant to the State Smart Growth Public Infrastructure Policy Act was completed separately from the GEIS in February, 2012.

The purposes of the STAMP GEIS was to identify and evaluate the potential significant adverse environmental impacts of STAMP, compare the reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the substantial potential social and economic benefits of STAMP. The GCEDC, as lead agency, issued a written Findings Statement (“**GCEDC Findings**”) on March 12, 2012 approving the Project and committing to undertake it.

There have been a number of changes contemplated to STAMP since the completion of the GEIS including changes to sewer service for STAMP (wastewater from STAMP will now be routed to the Village of Medina Waste Water Treatment Facility (“**Medina WWTF**”) and

revisions to the STAMP Master Plan (collectively, all changes are referred to as the “**Project Changes**”). In addition, 1366 Technologies Inc., (“**1366 Technologies**”) has recently committed to become the first tenant of STAMP with the construction and operation of a large scale advanced manufacturing facility in the southwest corner of the Site (“**1366 Facility**”). Certain infrastructure including sewer, water, electrical and natural gas must be extended to the Site in conjunction with the 1366 Facility (“**STAMP Track I Infrastructure**”).

In light of the proposed 1366 Facility and the Project Changes, the GCEDC has conducted an updated environmental review of the Project to determine whether the 1366 Facility and/or the Project Changes will result in any significant adverse environmental impacts which were not addressed in the GEIS or the GCEDC Findings (“**SEQRA Update**”). This process began with the GCEDC issuing notice of its intent to formally re-establish its Lead Agency status for the purpose of conducting this SEQRA Update in March, 2016. No interested or involved agencies objected to the GCEDC’s intent to formally re-establish its Lead Agency status for the Project. Accordingly, the GCEDC became Lead Agency for purposes of this SEQRA Update in April, 2016.

The GCEDC Findings establish the procedures for the SEQRA Update. Specifically, the GCEDC Findings provide:

Final designs for less-defined Project components, as well as any proposed changes to the more well-defined elements (hereinafter referred to “Future Project Use(s)”), may require further evaluation pursuant to SEQRA. GCEDC, as lead agency, will be responsible for performing an environmental determination on Future Project Uses pursuant to SEQRA, and will consider Future Project Uses proposals in relation to: (i) the DGEIS; (ii) the FGEIS; and (iii) this Findings Statement.

Upon development of specific site plans, simultaneously with review by the Town of Alabama Planning Board for site plan approval, GCEDC shall determine if the environmental impacts associated with such Future Project Uses have been adequately addressed in the DGEIS, the FGEIS and this Findings Statement, taking into account whether the Future Project Uses exceed any of the thresholds set forth herein. Such a determination must be made before any site plans for Future Project Uses are approved by the Planning Board.

In the event that GCEDC determines that:

1. the Future Project Uses would be carried out in conformance with the conditions and thresholds set forth in this Section 10, then no further SEQRA compliance will be required;
2. the Future Project Uses would be carried out in conformance with the conditions and thresholds set forth in this Section 10, but are not addressed or are not adequately addressed in the DGEIS, the FGEIS or this Findings Statement, then an amended Findings Statement will be prepared;
3. the Future Project Uses are not addressed or are not adequately addressed in the DGEIS, the FGEIS or this Findings Statement, but the proposal does not exceed any of the conditions or thresholds set forth in this Section 10, or the proposal does exceed a threshold set forth in this Section 10, but would not result in any

- potential significant adverse environmental impacts, then a Negative Declaration will be prepared pursuant to 6 N.Y.C.R.R. § 617.10(d)(3); or
4. the Future Project Uses are not addressed or are not adequately addressed in the DGEIS, the FGEIS or this Findings Statement for the Project and/or the proposed use would exceed the conditions or thresholds set forth in this Section 10 and may have one or more potential significant adverse environmental impacts, then a supplement to the FGEIS will be prepared.

A. **Description of Action**

1. **GEIS Project Description**

Per the FGEIS and the GCEDC Findings, STAMP was proposed to be located on 1,243.40 acres of land. STAMP's GEIS master plan ("**GEIS Master Plan**") provided for the development of a high technology campus accommodating over 6 million square feet of advanced technology manufacturing and related uses providing direct employment of an estimated 9,330 people. Phase 1 of the GEIS Master Plan involved attempting to attract an anchor tenant technology manufacturing facility comprised of approximately 1 million square feet.

Per the FGEIS and the GCEDC Findings, the basic and overall purpose of the Project was defined as the development of an advanced manufacturing technology center in Genesee County ("**County**"). The Project was designed to target green-technology and advanced manufacturing companies involved in developing and manufacturing clean technology, renewable energy and/or energy efficient products. These companies were to include semi-conductor manufacturers, photovoltaic solar cell manufacturers, flat panel display manufacturers including medical imaging display, bio-pharmaceutical/ nanotechnology-enabled industries, and green technology research and development for energy efficient building products.

2. **1366 Technologies**

As mentioned earlier, STAMP has secured its first tenant for the Project, 1366 Technologies, which plans to construct a large scale commercial manufacturing facility that will use a proprietary manufacturing process for making silicon wafers, whereby they produce multi-crystalline silicon wafers for solar cells at substantially lower costs and with less waste than current processes. Since silicon wafers are the largest cost component in the manufacture of silicon photovoltaic modules used in solar cells, this new process is anticipated to reduce the overall cost of solar power.

The 1366 Facility will be located in the southwest corner of the Site on a 105-acre site ("**1366 Parcels**") which includes 41.1 acres of buildable area. The 1366 Facility is proposed to be built-out in phases. The first phase will include an approximate 150,000+/- sf facility that will initially produce 250MW of silicon wafers annually. The 1366 Facility would be quickly expanded over several years to allow for growth to 600,000+/- square feet to allow for 1 GW of silicon wafer production annually with up to 1,000 employees and approximately \$700 million in total investment.

The 1366 Facility will be constructed, in part, with loan guarantees from the USDOE. The initial phase of the 1366 Facility is anticipated to commence operation in 2017, with full project build out expected by 2021.

3. **Contemplated Project Changes Since 2012**

As noted above, since the completion of the GEIS process in 2012, there have been a number of Project Changes summarized below.

a. **Master Plan Changes/Updates**

Since the completion of the GEIS, there have been a number of changes developed to the GEIS Master Plan as reflected in an updated master plan ("**Updated Master Plan**") which retains the large green buffer around the majority of the perimeter of the Site and preservation of natural features across the Site within three different zones of development connected by internal walking/biking trails. In the Update Master Plan, more refinement has been added to the layout for the Fabs Complex and the 1366 Facility has been added to the campus in the southwest quadrant of the Site. Specific changes are described below.

(1) **Changes to the Site Plan Layout**

There are four major changes to the Site Plan layout as reflected in the Updated Master Plan. The first involves reductions in on-Site impacts to aquatic resources. Wetland impacts have been reduced to approximately 4.48 acres of federally regulated wetlands and 3.34 of non-jurisdictional wetlands (total of 7.82 acres). On-Site stream corridor impacts have also been reduced from 9,595 linear feet to approximately 9,446 linear feet.

The second change involves utility re-routing. The existing 115 kV power line that traverses the Site (from northwest quadrant to southeast/central area of Site) will be relocated to the perimeter of the Site. Electric service to 1366 Technologies will be run from the existing line south of the new access road into the Site from Route 63/77 ("Main Access Road") to the proposed electric substation north of the 1366 Parcels. Also, natural gas and sewer will be brought into the Site along the future Bypass Road/Connector Road right-of-way.

The third change involves realignment of the Main Access Road into the Site which has been straightened somewhat to run more directly to Crosby Road. This shift minimizes wetland impacts (.23 acres) while allowing for a larger development footprint north of the Main Access Road on the west side of Crosby Road.

The fourth change involves the relocation of the Bypass Road and realignment of the Connector Road between the Bypass Road and the Main Access Road. The Bypass Road has been moved southwest to a flat area atop the ridge line that runs along the northeast quadrant of the Site. These realignments result in a small expansion of TD3 and slight reduction to TD1 and TD2.

(2) **Changes to the TD Zoning Boundaries, Buffers and Regulations**

The GCEDC has proposed modifications to the TD zoning regulations to clarify the intent of the Town of Alabama Town Board (“Town Board”) with regard to zoning for the Site including: buffer use clarifications, the elimination of the 300-foot buffer along the northern side of the Site, the elimination of the 300-foot buffer on the interior of the Site between TD1/TD2 and TD3, the elimination of the 300-foot buffer for 500 linear feet on each side of the Main Access Road and that this area be zoned TD2, and the addition of solar panels as a special use permit in TD1 and TD2. The GCEDC is proposing some minor changes to the TD district lines.

(3) Timing and Other Changes to the GEIS Master Plan

There are a number of other changes contemplated to the GEIS Master Plan. First, the GCEDC is accelerating the construction of this Main Access Road which will be completed in conjunction with the development of the 1366 Facility. In addition, the GCEDC has expanded the footprint of the Site to include all of the residential properties in the north-central area of STAMP along Crosby Road (except for the northern-most parcel at the intersection of Crosby Road and Lewiston Road). With these changes, the Site is now 1,262 acres. The GCEDC has requested that the Town Board rezone these residential parcels to TD1.

b. Demolition of the Houses Along Crosby Road

As a result of the expansion of the footprint of the Site to include all of the residential properties in the north-central section of STAMP along Crosby Road, six additional existing houses on Crosby Road are now proposed for demolition following acquisition by the GCEDC.

c. The Town Water Project

In order to extend water service to the Site, the GCEDC has entered into the Incentive Zoning Agreement (“IZA”) with the Town, which, among other things, commits the GCEDC to design and install the a municipal water project (“Town Water Project”) which has a currently estimated capital cost of \$7,824,570 and will serve approximately 433 households in the Town. The GCEDC has agreed to include the Town Water Project within the scope of this SEQR Update.

d. Water Service for STAMP

Water required for the Project will be provided to the Site via a new 12 inch transmission water main to be constructed along Judge Road and a portion of Route 63/77 between the Village of Oakfield and the Site. This main will be constructed in conjunction with the Town Water Project and will be owned and maintained by the Town.

e. Sewer Service for STAMP

The Village of Medina Wastewater Treatment Facility (“**Medina WWTF**”) has been selected as the preferred sanitary sewer effluent treatment alternative The Medina WWTF is approximately twelve miles north of the STAMP, and the route from the STAMP site to the Village of Medina has been established with input from the Village of Medina, Orleans County and the Town of Shelby. The Medina WWTF can handle approximately 1 MGD of sewage from

STAMP without significant upgrades to its treatment plant. Ultimately, with upgrades, it is anticipated that the Medina WWTF would be able to handle up to 2.5 MGD of sewage from STAMP.

f. The Northern Long Eared Bat

The northern long-eared bat (“NLE Bat”) has recently been listed as a Threatened Species under State and Federal law. Potential impacts to the NLE Bat are being re-evaluated based on this species new listing as a Threatened Species.

B. Analysis of Environmental Impacts

This section provides an analysis of the environmental impacts of the 1366 Facility and the Project Changes relative to the environmental impacts identified and analyzed in the DGEIS, the FGEIS and the GCEDC’s Findings (collectively referred to herein as “GEIS/Findings”).

1. Impacts on Geology and Topography

a. The 1366 Facility

Because the 1366 Parcels and surrounding area are generally flat, consistent with the analysis in the GEIS/Findings, construction of the 1366 Facility and related infrastructure improvements will not require major alterations to the natural topography of the 1366 Parcels. Some of the topography on the Site will require slight grading and redistribution of soil material. Consistent with the GEIS/Findings, grading is anticipated to be balanced such that the amount of cut required by the development of the 1366 Facility and related infrastructure improvements will be approximately equal to the amount of fill required. Accordingly, the impacts to geology and topography from the construction and operation of the 1366 Facility and related infrastructure improvements are adequately addressed in the GEIS/Findings.

b. The Project Changes

(1) Master Plan Changes/Updates

Generally, there are no material impacts to geology and topography associated with the Master Plan Changes/Updates. The changes to the utility runs and the realignment of both the Main Access Road and Bypass Road will result in minor changes to grading plans on-Site as physical improvements are relocated. However, these changes will reduce earthwork and soil disturbance at the Site. Similarly, adjustments to the zoning regulations may result in minor changes to grading plans on-Site as some boundaries and buffers are reduced and/or relocated. The inclusion of the residential properties on the north end of Crosby Road will result in minor changes to grading plans on-Site as physical improvements are relocated. All of these changes are minor and well within the scope of actions analyzed in the GEIS/Findings.

(2) Demolition of the Houses Along Crosby Road

There are no material impacts to geology and topography associated with the demolition of the houses along Crosby Road that were not addressed in the GEIS/Findings. Following the completion of demolition, each house site will be appropriately re-graded with no anticipated changes to topography. To the extent any of the houses have basements, any subsurface improvements will be removed, and clean fill will be added to ensure level grading.

(3) The Town Water Project

There are no material impacts to geology and topography associated with the Town Water Project that were not addressed in the GEIS/Findings. Installation of water related infrastructure will be along public roads via a combination of open cut method and directional drill method. These installations will result in temporary impacts to geography and topography that were analyzed in the GEIS/Findings.

(4) Water Service for STAMP

There are no material impacts to geology and topography associated with water service for STAMP that were not addressed in the GEIS/Findings. As with the Town Water Project, on-Site installation of water related infrastructure will be along current and/or future roads via a combination of open cut method and directional drill method. These installations will result in temporary impacts that were analyzed in the GEIS/Findings.

(5) Sewer Service for STAMP

There are no material impacts to geology and topography associated with sewer service for STAMP that were not addressed in the GEIS/Findings. Installation of sewer related infrastructure will be along public roads via a combination of open cut method and directional drill method. However, all installation routes will be re-graded to match original topography after infrastructure installation. Thus, these installations will result in temporary impacts that are consistent with impacts from other infrastructure installations that were analyzed in the GEIS/Findings.

2. Impacts on Water Resources

a. The 1366 Facility

Construction of the 1366 Facility and related infrastructure improvements will avoid any physical disturbance of surface water resources, including Whitney Creek and the three jurisdictional wetlands on the 1366 Parcels. Moreover, all of these surface waters present on the 1366 Parcels, plus a 100 foot buffer, will be deed restricted to prevent future development.

Construction will require the clearing and filling of portions of the Site which will expose un-vegetated soil to the elements. This creates the potential for erosion and sedimentation due to stormwater passing through un-vegetated areas or construction areas with exposed soils, which could result in degradation of water quality in Whitney Creek and other surface waters in the

area. Consistent with the analysis in the DGEIS/Findings, best management practices will be employed to minimize impacts to streams and other water resources during construction and operation of the 1366 Facility. In addition, as required by the *New York Stormwater Management Design Manual* (January 2015), one or more point source treatment practices, such as rain gardens for roof drainage, bio-retention swales, or infiltration trenches for parking areas, and a variety of other practices, shall be incorporated into the design of the 1366 Facility.

b. The Project Changes

(1) Master Plan Changes/Updates

The STAMP Updated Master Plan shows a reduction in wetland impacts as compared to the GEIS Master Plan. Accordingly, the impacts to water resources from the changes to the Master Plan Changes/Updates are adequately addressed in the GEIS/Findings.

(2) Demolition of the Houses Along Crosby Road

There are no material impacts to water resources associated with the demolition of the houses along Crosby Road that were not addressed in the GEIS/Findings. These houses are not proximate to any water resources.

(3) The Town Water Project

There are no material impacts to water resources associated with the Town Water Project that were not addressed in the GEIS/Findings. In terms any potential impact due to construction activities, directional drilling will be implemented on any stream or wetland crossing, and a SWPPP will discuss plans for any trenching and erosion control details.

(4) Water Service for STAMP

There are no material impacts to water resources associated with water service for STAMP that were not addressed in the GEIS/Findings.

(5) Sewer Service for STAMP

The sewer line to Medina will cross the Iroquois National Wildlife Refuge along the Route 63 public right-of-way. This area has large wetlands and several stream crossings. In order to ensure protection of water resources, the GCEDC will employ directional drilling methods. Based on existing soils conditions and the physical limitations with the directional drill equipment, each directional drill set up will be staged a maximum of approximately 1,000 feet. The force main will be installed by directional drill method between each staging area. Thus, the installation of the sewer main will have minimal temporary impacts to less than 0.5 acre of wetland and will not adversely impact water resources along the installation route. If anything, the routing of sewer lines to the Medina WWTF will be beneficial to local water resources by removing proposed treated discharges from nearby streams, including Whitney Creek, Tonawanda Creek, Oak Orchard Creek and/or other small tributaries in the area.

3. **Impacts on Air Resources**

a. **The 1366 Facility**

The 1366 Facility will require a State Facility Permit from NYSDEC, and therefore, must satisfy the requirements set forth in the GEIS/Findings including NYSDEC's Air Guide-1, which was developed to evaluate the short-term and annual impacts from sources of air emissions in the state. The 1366 Facility will include state-of-the-art emission control equipment as a necessary function of its operations, as determined by the State Air Permit. Air Emission Scrubbing will take the form of a wet scrubber installed to treat hazardous and environmental gas emissions from certain processes. Further, all equipment using hazardous gases is designed to fail into a safe state, preventing emissions. Overall emissions of air pollutants from the 1366 Facility will comply with the thresholds for air emissions set forth in the GEIS/Findings.

b. **The Project Changes**

(1) **Master Plan Changes/Updates**

The Master Plan Changes/Updates have no impacts upon air resources. These changes do not result in larger developable areas or more building square footages. In fact, open space actually increases under the Updated Master Plan. Further, the building square footage threshold established in the GEIS/Findings (6,130,000 sf) has not changed.

(2) **Demolition of the Houses Along Crosby Road**

There will be minor temporary impacts to air resources associated with the demolition of the houses along Crosby Road. These impacts will be minimized through the utilization of appropriate dust control measures including wetting of materials during demolition consistent with construction related impacts associated with the demolition of other structures on-Site addressed in the GEIS/Findings.

(3) **Town Water /STAMP Water & Sewer Service**

There are no material impacts to air resources associated with the Town Water Project and/or water or sewer service for STAMP that were not addressed in the GEIS/Findings.

4. **Impacts on Terrestrial and Aquatic Ecology**

a. **The 1366 Facility**

The 1366 Facility will replace active agricultural fields with a high-technology manufacturing plant and supporting facilities, such as access roads and parking lots, utilities, etc. However, existing forested areas adjacent to the 1366 Parcels, such as the riparian forest adjacent to Whitney Creek, and wetland areas will be preserved along with a 100-foot buffer. Although limited tree cutting may be required on the 1366 Parcels, tree plantings of native species will be included as part of the overall landscaping of the 1366 Parcels, leading to a net increase in the number of trees. Finally, GCEDC is proposing deed restrictions and/or conservation easements

to further protect wetlands in accordance with the goals and policies of the STAMP Long-Term Land Management Plan (“LTMP”). Accordingly, the impacts to terrestrial and aquatic ecology from the construction and operation of the 1366 Facility and related infrastructure improvements are adequately addressed in the GEIS/Findings.¹

b. The Project Changes

(1) Master Plan Changes/Updates

As discussed above in the water resources analysis, the overall changes to the Master Plan Changes/Updates in a net reduction in wetland and aquatic resource impacts from the scope of actions analyzed in the GEIS/Findings. Additionally, these changes do not result in larger developable areas or more building square footages.

(2) Demolition of the Houses Along Crosby Road

There are no material impacts to terrestrial and aquatic ecology associated with the demolition of the houses along Crosby Road that were not addressed in the GEIS/Findings.

(3) The Town Water Project

There are no material impacts to terrestrial and aquatic ecology associated with the Town Water Project that were not addressed in the GEIS/Findings. Any potential impacts to terrestrial and aquatic ecology due to construction activities in connection with the Town Water Project will be minor, and temporary in nature.

(4) Water Service for STAMP

There are no material impacts to terrestrial and aquatic ecology associated with water service for STAMP that were not addressed in the GEIS/Findings. Accordingly, the impacts to terrestrial and aquatic ecology from water service for STAMP are adequately addressed in the GEIS/Findings.

(5) Sewer Service for STAMP

There are generally no material impacts to terrestrial and aquatic ecology associated with the sewer service for STAMP that were not addressed in the GEIS/Findings. One exception to this general characterization of aquatic resources within the sewer route is Oak Orchard Creek and the associated wetlands to the south of Oak Orchard Creek’s intersection with Route 63. This wetland area is owned by USFWS (Iroquois National Wildlife Refuge) and is part of a large complex system that includes riparian, emergent, and forested wetlands. While evidence of disturbance exists, the system as a whole is high quality, federally protected, and linked to mapped significant natural communities and potential occurrence of rare, threatened, and endangered species. The sewer project will disturb only areas within and/or immediately

¹ Please note, potential impacts to the NLE Bat are addressed in a separate analysis herein.

adjacent to an existing DOT right-of-way. Wetlands within or adjacent to this proposed area of disturbance are fragmented edges of the larger system.

In order to ensure the construction of the sewer line across the Iroquois National Wildlife Refuge along the Route 63 public right-of-way will not adversely impact these resources, the force main will be installed by directional drill method which will limit ground disturbance and potential impacts significantly. Accordingly, any potential impacts to terrestrial and aquatic ecology due to construction activities in connection with the Sewer Service for STAMP will be minor, and temporary in nature.

c. The Northern Long Eared Bat

As discussed above, the NLE Bat has recently been listed as a Threatened Species under State and Federal law and potential NLE Bat habitat is present at the Site and within the offsite utility Project areas. A field review of on-Site habitat suitable for the NLE Bat was conducted in November, 2015, taking into account areas of potential disturbance associated with construction planned for the 1366 Facility, including construction of the entry road, substation and utility areas. Project activities require the removal of trees greater than 3" DBH along the first section of the proposed access road west of Route 63/77, where hedgerows are crossed by the access roads and utilities, and along Crosby Road on residential parcels.

Additional field review was conducted at the site in May, 2016. A Phase 1 Summer Habitat Assessment was completed including data collection at a representative sample sites. Very few trees within the Project area are ideally suited for summer bat habitat due to a paucity of trees with exfoliating bark and no suitable snags. Further, the Project area is not near known maternity sites and are not located within 0.25 mile of a known hibernaculum according to a review of known sites.

To ensure that the future development activities will not have any material impacts to the NLE Bat, any necessary tree removal will be scheduled outside of the pup season (June 1 – July 31) and, where possible, within the hibernation period (October 31 – March 31). The Project location and planned construction schedule put the Project within the category of "excepted from incidental taking prohibitions" in the final 4(d) rule. In this case, the determination is that activities "may affect" but are not likely to adversely affect and/or will not cause a prohibited taking. Thus, future on-Site development activities will not have an adverse impact upon the NLE Bat and the listing of the NLE Bat as a Threatened Species under State and Federal law will have no material impacts to terrestrial and aquatic ecology in conjunction with the Project.

In terms of off-Site development associated with water and sewer infrastructure, a desktop and field review were conducted in December, 2015 and May, 2016 in support of the development of an aquatic resource and ecology investigation report.

The majority of the off-site infrastructure (water and sewer) project areas are upland consisting of previously disturbed areas including road shoulders, mowed lawn and mowed lawn with trees, cropland, excavated ditches, culverts, and brushy cleared land. A smaller portion of the project area, primarily at stream and wetland crossings, consists of intermittent and perennial

streams and wetlands. One exception to this general characterization of aquatic resources within the sewer route is Oak Orchard Creek and the associated wetlands to the south of Oak Orchard Creek's intersection with Route 63.

To ensure that the installation of the off-site infrastructure will not have any material impacts to the NLE Bat, any necessary tree removal will be scheduled outside of the pup season (June 1 – July 31) and, where possible, within the hibernation period (October 31 – March 31). The Site location and planned construction schedule put the Project within the category of "excepted from incidental taking prohibitions" in the final 4(d) rule. In this case, the determination is that activities "may affect" but are not likely to adversely affect and/or will not cause a prohibited taking. Thus, the installation of the off-site infrastructure will not have an adverse impact upon the NLE Bat.

5. Impacts on Technology Industry Health and Safety

a. The 1366 Facility

Several plans for chemical storage/ handling may be required for the 1366 Facility including:

- Small Quantity Generators or Large Quantity Generators permit from NYSDEC for hazardous waste.
- USEPA Hazardous Waste Registration with NYSDEC.
- Emergency Planning and Community Right-to-Know Act.
- SARA Title III Inventory Reporting.
- EPCRA Toxic Release Reporting (Form R).
- NYSDOT Hazmat Registration and Security Plan.
- Flammable storage and use permits from local fire departments.

1366 Technologies will provide a Hazardous Materials Inventory Statement and a 1366 Facility Specific Hazardous Materials Management Plan to the Town of Alabama Fire Department. Additionally, all hazardous materials at the 1366 Facility will be transported, handled, stored and disposed of in accordance with:

- Applicable requirements set forth in the Hazardous Substance Bulk Storage Program and/or the Petroleum Bulk Storage Program.
- Applicable requirements set forth in all DOT requirements.
- Applicable SPCC rules.
- Applicable requirements of the Uniform Fire and Building Codes.
- Applicable OSHA and/or RCRA regulations.

b. The Project Changes

(1) Master Plan Changes/Updates

There are no Master Plan Changes/Updates that will impact technology industry health and safety.

(2) Demolition of the Houses Along Crosby Road

There are no material impacts to health and safety associated with the demolition of the houses along Crosby Road that were not addressed in the GEIS/Findings. All asbestos and other potentially hazardous materials, such as mercury thermostats, fluorescent lights or miscellaneous cleaners, will be removed from the structures prior to demolition, properly packaged and disposed of in accordance with applicable laws. Demolition contractors will employ wet methods and other engineering controls during demolition to minimize airborne particulate emissions. The GCEDC will comply with all applicable laws and will implement proper protocols during the demolition period to minimize potential impacts from demolition activities.

(3) Town Water /STAMP Water & Sewer Service

There are no material impacts to health and safety associated with the Town Water Project, water service for STAMP and/or sewer service for STAMP that were not addressed in the GEIS/Findings.

6. Impacts on Traffic and Transportation

a. The 1366 Facility

Transportation access to the 1366 Parcels will be via an access road to Crosby Road (secondary access), with a main access to/from NY State Route 63/77. At full build out (1 GW), the 1366 Facility will generate an average of 2,486 trips per day including 86 truck trips per day, and will operate 24 hours a day, 7 days a week.

For the initial phase of development of the 1366 Facility (250 MW), the 1366 Facility will generate an average of 622 trips per day including 22 truck trips per day. The highest anticipated peak hour for the initial phase is approximately 240 trips per hour. Based on these traffic estimates, the Phase I build out of 1366 Technologies will result in less traffic than the Phase I build out assumed in the GEIS, however, its full build out will be more than the Phase I GEIS build out. Full build out will still remain below the 70% threshold.

An updated traffic impact analysis was conducted because of the acceleration of the installation of the Main Access Road. Instead of utilizing two access point at either end of Crosby Road to enter the Site, the acceleration of the construction of the Main Access Road means that traffic entering the Site will be through a single entry point. The updated Traffic Impact Analysis concluded that a left turn lane on Route 63/ 77 to access the Site is warranted. Thus, a northbound left turn lane on Route 63/ 77 will be implemented. This turn lane was identified as a necessary future improvement in the GEIS/Findings.

b. The Project Changes

(1) Master Plan Changes/Updates

The realignment of the Bypass Road will improve traffic flow due to better intersection designs. The other changes to the site plan layout do not result in larger developable areas or more building square footages. Further, the building square footage threshold established in the GEIS/Findings (6,130,000 sf) has not changed.

(2) Demolition of the Houses Along Crosby Road

There are no material impacts to traffic and transportation associated with the demolition of the houses along Crosby Road that were not addressed in the GEIS/Findings.

(3) Town Water /STAMP Water & Sewer Service

The construction and excavation work associated with the installation of the water and sewer mains and related facilities will require the transportation of construction materials, including loads of water piping, gravel, topsoil and related construction materials. There will also be minor impacts because the water infrastructure will be installed within existing road right-of-ways requiring lane closures and traffic re-routing. These impacts will be minor and temporary and are within the scope of construction activities analyzed in the GEIS/Findings.

7. Impacts to Land Use and Zoning

a. The 1366 Facility

The construction of the 1366 Facility and related infrastructure improvements will convert existing croplands within a portion of the Site into a modern, high-technology manufacturing facility and related support infrastructure. The 1366 Parcels are approximately 105 acres in size. A large percentage of the 1366 Parcels will be preserved for open space, consisting of landscaping and protection of environmentally-sensitive resources. The entire Site has been rezoned by the Town Board to TD1 to accommodate the kinds of development (advanced high technology and research focused on renewable energy) envisioned for STAMP, such as the 1366 Facility. The 1366 Facility will be developed pursuant to and consistent with the TD1 requirements as established under the IZA with the Town. Further, the 1366 Facility will comply with all zoning regulations in TD1 such as minimum lot size, maximum building height, maximum lot coverage, parking requirements and signage requirements.

b. The Project Changes

(1) Master Plan Changes/Updates

In terms of changes to the site plan layout, the realignment of the Bypass Road and the connector road to the Main Access Road will have a small impact on land use and zoning. Specifically, TD3 will increase in size from approximately 72.3 acres to 89.4 while TD1 and TD2 will decrease in size. However, the density of the build out in each of the districts will not change.

In terms of the buffer use clarifications, all of the uses included in the clarifications were identified as permitted uses in the GEIS/Findings. Thus, there are no impacts to land use and zoning from the buffer use clarifications that were not analyzed and addressed in the GEIS/Findings.

In terms of the elimination of the 300-foot buffer along the northern side of the Site, this area is already buffered from public rights-of-way by adjacent agricultural lands and utility infrastructure. Thus, there are no impacts to land use and zoning from the buffer use clarifications that were not analyzed and addressed in the GEIS/Findings.

In terms of the elimination of the 300-foot buffer on the interior of the Site between TD1/TD2 and TD3, this change creates the possibility of a minor visual impact to the Hamlet as buildings at the top of the ridgeline, which is within the buffer area, may be visible to the Hamlet. In order to address and mitigate this, the GCEDC is proposing new minimum setbacks from the Bypass Road, which has been relocated atop the ridgeline, to ensure that buildings are adequately setback from the ridgeline. The new setbacks along the Bypass Road are actually more restrictive than the current buffer, except for a very small area, approximately 1.3 acres, in the area where the Bypass Road meets Lewiston Road.

In terms of the elimination of the 300-foot buffer for 500 linear feet on each side of the Main Access Road, this too, will create visual impacts as structures associated with the Project are developed along Route 63/77. In order to mitigate this issue, the GCEDC and the Town have agreed to work together on revised design guidelines for this area to ensure the construction of high quality, attractive buildings.

In terms of adding solar panels as a special use permit in TD1 and TD2, this change will have no significant impact on land use or zoning, particularly because it is simply adding to the previously included cell towers and windmills as other uses by special use permits.

In terms of the addition of the residential houses on the north end of Crosby Road, this change will result in an important but minor change to land use in the overall context of the Project. Specifically, these properties will be rezoned from A-R to TD1. With the exception of one property along Lewiston Road, all of the properties along Crosby have been/will be acquired and demolished. At the request of the Town, a setback of 30 feet from Crosby Road for construction of new structures within the area to be rezoned will be established.

c. Demolition of the Houses Along Crosby Road

The demolition of the houses along Crosby Road will result in permanent conversion of each of the six (6) parcels of land from residential use to technology manufacturing. This will result in an important but minor change to land use in the overall context of the Project.

d. The Town Water Project

There are no material impacts to land use and zoning associated with the Town Water Project that were not addressed in the GEIS/Findings. It is, however noted, that the Town Water

Project is being fully paid for by funds secured by the GCEDC per the terms of the IZA. This funding obligation was discussed extensively in the GEIS/Findings.

e. STAMP Water & Sewer Service

There are no material impacts to land use and zoning associated with water service and/or sewer service for STAMP that were not addressed in the GEIS/Findings.

8. Impacts to Utilities

a. The 1366 Facility

Although the plans for providing Phase 1 water and sewer for the Project have changed since the completion of the GEIS/Findings, the utility needs for the 1366 Facility are well within the thresholds analyzed in the GEIS/Findings and which are currently available. Specifically, the GEIS/Findings analyzed obtaining up to 3 MGD of water from the County and 1366 Technologies' water consumption needs will not exceed 800,000 GPD. In terms of sewer, the Medina WWTF can handle approximately 1 MGD without any significant upgrades and 1366 Technologies' sewer needs will not exceed 600,000 GPD. Additionally, electric, gas and telecom infrastructure will be sufficient with the extensions to the Site identified in the GEIS/Findings, to meet the needs of the 1366 Facility.

b. The Project Changes

(1) Master Plan Changes/Updates

The Master Plan Changes/Updates will not result in larger developable areas or more building square footages. While the utility rerouting portion of the site plan changes will have an impact upon the physical location of utility corridors, there are no impacts to utilities associated with the utility rerouting.

(2) Demolition of the Houses Along Crosby Road

There are no material impacts to utilities associated with the demolition of the houses along Crosby Road that were not addressed in the GEIS/Findings.

(3) The Town Water Project

Adequate water volumes for the long-planned Town Water Project are available from Genesee County. The Town system and STAMP are being designed to provide at a minimum, 100,000 GPD for the Town, 150,000 GPD to Lamb Farms, and 200,000 GPD for the STAMP Site totaling 450,000 GPD. Supply needs significantly higher than 450,000 GPD will require construction of an additional transmission main to Pembroke, consistent with the analysis in the GEIS/Findings and as recently confirmed with Genesee County.

(4) Water Service for STAMP

Consistent with the Water Service Preliminary Report, attached as *Appendix N* to the DGEIS, a phased approach to water supply is being applied at STAMP. Also, consistent with the Water

Service Preliminary Report, water supply for Phase 1 of STAMP (1 MGD) will be supplied by Genesee County.

(5) Sewer Service for STAMP

The Medina WWTF is currently permitted for 4.5 MGD of capacity while actual discharges average between 1.5 MGD and 2.2 MGD. A detailed peak flow analysis was undertaken which confirms that the Medina WWTF has capacity to accommodate an additional 1 MGD.

9. Impacts to Community Facilities

a. The 1366 Facility

The 1366 Facility will maintain its own internal fire suppression system that will consist of wet sprinkler systems, foam fire suppression system, clean agent style fire suppression system, early suppression, fast response system, deflagration venting, smoke control, toxic/ flammable gas detection system, on-site fire hydrants, and fire department hose valves. Based upon available information, the Alabama Fire Department (“AFD”) will not require additional resources to protect the 1366 Facility; however, periodic training will be provided to volunteers of the AFD and other pertinent emergency service providers regarding responding to any emergency calls from the 1366 Facility and chemical-specific aspects of the facility. This kind of coordination and training is routinely provided by technology manufacturing companies and is consistent with analysis provided in the GEIS/Findings.

In terms of waste generation, the 1366 Facility will not exceed volumes analyzed in the GEIS/Findings. In terms of impacts to public lands and recreation, for the reasons identified in the GEIS/Findings, the 1366 Facility will not have an impact upon open space or recreation.

In terms of an emergency action plan, 1366 Technologies’ emergency action plan will be prepared and submitted to the Town in conjunction with 1366 Technologies’ site plan application. This approach is consistent with the requirements set out in both the GCEDC Findings, the Town Board Findings and the Emergency Services Impact Analysis, and will ensure no impacts to emergency services that were not previously addressed in the GEIS/Findings.

b. The Project Changes

(1) Master Plan Changes/Updates

There are no Master Plan Changes/Updates that will impact community facilities. The site plan changes do not result in larger developable areas or increased building square footages. In addition, the Town will have no responsibility for maintaining any portion of the Site.

(2) Demolition of the Houses Along Crosby Road

There will be a relatively small volume of construction and demolition debris generated by the demolition of the houses along the north end Crosby Road and their supporting structures, but all construction and demolition waste will be properly disposed of at approved disposal facilities.

(3) The Town Water Project

There are no material impacts to community facilities associated with the Town Water Project that were not addressed in the GEIS/Findings.

(4) Water Service for STAMP

There are no material impacts to community facilities associated with water service for STAMP that were not addressed in the GEIS/Findings.

(5) Sewer Service for STAMP

There are no material impacts to community facilities associated with sewer service for STAMP. The Medina WWTF is currently permitted for 4.5 MGD of capacity. Actual discharges average between 1.5 MGD and 2.2 MGD. A detailed peak flow analysis was undertaken to confirm that the Medina WWTF has the capacity to treat up to 1 MGD of wastewater from STAMP during peak periods. Flow monitoring for sections of the Village of Medina was implemented during the sanitary sewer route analysis.

10. **Impacts to Community Character and Demographics**

a. **Aesthetics**

(1) The 1366 Facility

The 1366 Facility and related infrastructure improvements will be designed and constructed in a low density setting consistent with the design philosophy of STAMP and will be constructed consistent with existing STAMP design guidelines. The required 400-foot buffer will be maintained along the western boundary of the 1366 Parcels to ensure adequate screening on the 1366 Facility from the lands of the Tonawanda Seneca Nation (“Nation”). Existing hedgerows on the Site will generally be maintained and will help ensure that the 1366 Facility is not materially visible from any existing public rights of way. In addition, all exterior lighting for the 1366 Facility will be directed downward to minimize the amount of light that spills beyond the boundaries of the 1366 Parcels.

(2) The Project Changes

(i) Master Plan Changes/Updates

The Main Access Road into the Site from Route 63/77 had a significant curve to the north in the GEIS Master Plan. In the Updated Master Plan, the alignment has been straightened somewhat to run more directly to Crosby Road. Nonetheless, a curve in the Main Access Road has been maintained to provide a more interesting visual context from the Main Access Road entrance looking towards the interior of the Site.

The elimination of the 300-foot buffer on the interior of the Site between TD1/TD2 and TD3, creates the possibility of a minor visual impact to the Hamlet as buildings at the top of the ridgeline, which is within the buffer area, may be visible to the Hamlet. In order to address and mitigate this, the GCEDC is proposing new minimum setbacks from the Bypass Road, which has

been relocated atop the ridgeline, to ensure that buildings are adequately setback from the ridgeline. The new setbacks along the Bypass Road are actually more restrictive than the current buffer, except for a very small area, approximately 1.3 acres, in the area where the Bypass Road meets Lewiston Road.

The elimination of the 300-foot buffer for 500 linear feet on each side of the Main Access Road will create visual impacts as structures associated with the Project are developed along Route 63/77. In order to mitigate this issue, the GCEDC and the Town will work together on revised design guidelines for this area to ensure the construction of high quality, attractive buildings along Route 63/77.

The incorporation of the residential properties at the north end of Crosby into the Project make it possible for buildings in TD1 to move closer to the Hamlet than was evaluated in the GEIS. In order to mitigate this issue, the GCEDC is proposing new setback of thirty (30) feet from this section of Crosby Road. In addition, in order to ensure that there are no visual impacts that were not addressed in the GEIS/Findings, if and when specific buildings are proposed in locations along the north end of Crosby Road closer to the Hamlet than what was evaluated in the GEIS, subsequent visual impact analysis would have to be completed at that time.

(ii) Demolition of the Houses Along Crosby Road

The demolition of the six residential structures along the north end of Crosby Road and their supporting structures will change the visual character of the area. However, the removal of these structures is considered a minor impact to aesthetics. In addition, these parcels will be incorporated into the Site and the TD Buffer and the Ag/Res Buffer will mitigate the visual impacts from the construction of new structures on these parcels consistent with the visual impact analysis in the GEIS/Findings.

(iii) The Town Water Project

During installation of the water mains and related facilities, large equipment and materials will be located temporarily in proximity to the installation routes. All such impacts are short-term and limited and well within the scope of activities analyzed in the GEIS/Findings.

(iv) STAMP Water & Sewer Service

During installation of the force main and related facilities, large equipment and materials will be located temporarily in proximity to the installation routes. All such impacts are short-term and limited.

b. Noise

(1) The 1366 Facility

Based on operations at 1366 Newton Massachusetts facility and other manufacturing facilities of a similar nature, the types of manufacturing operations that will occur at the 1366 Facility will not generate excessive noise and the 1366 Facility will not generate any noise in excess of the limits set forth in the GEIS/Findings.

(2) The Project Changes

(i) Master Plan Changes/Updates

The changes to the TD zoning boundaries and buffers and the incorporation of the residential properties on the north end of Crosby Road will bring some development closer to the STAMP boundary. However, there will be no changes to the noise limits set for the STAMP boundaries in the GEIS/Findings. Future uses within these areas that were previously undevelopable will have to comply with these noise limits.

(ii) Demolition of the Houses Along Crosby Road

It is anticipated that the demolition of the structures will temporarily generate noise that exceeds background levels. The intermittent noise associated with construction vehicles and equipment will be short-term and temporary in nature. Demolition activities will be limited to daylight working hours, when noise sensitivity is typically lowest. Construction activities will comply with applicable noise ordinances and laws.

(iii) Town Water /STAMP Water & Sewer Service

During installation of the water and sewer mains and related facilities, noise levels will temporarily increase during construction. All such impacts, which will take place during daylight working hours, when noise sensitivity is typically lowest, are well within the scope of construction activities analyzed in the GEIS/Findings.

c. Socioeconomics

(1) The 1366 Facility

Based on the experiences of two similar developments in Oregon and in eastern New York, the STAMP GEIS anticipated that the overall development of the Project would have positive effects on educational levels, per capita personal and household incomes, unemployment, industrial employment and percentage of working age population employed when compared to existing socioeconomic conditions. These effects may spur new or expanded programs of educational, cultural and community service institutions in the region. In addition to employment growth, the 1366 Facility will contribute to the overall population increases in the communities surrounding the Site. This growth is well within the thresholds considered in the GEIS/Findings for the Project. At full build-out and maximum production, the 1366 Facility will employ approximately 1,000 people.

The Town has expressed concern about the impacts of an enhanced payment in lieu of taxes (“PILOT”) associated with Phase 1 of the 1366 Facility build out. Specifically, Phase 1 of the 1366 Facility will receive a full abatement on all property taxes for a period of 5 years followed by 50% tax equivalent payments in years 6 through 10. In 2012, prior to approving the IZA, the Town completed a fiscal impact analysis in order to better understand the potential fiscal impacts of the Project relative to Town finances. The analysis identifies potential increases associated with Town spending in certain areas including planning and code enforcement, infrastructure, administration, emergency services, highways and courts. However, the analysis

explains that increases in spending will be offset by increased PILOT and tax revenues from the Project. While the analysis was based upon a standard PILOT for 1366 Technologies which provides for a graduated increase to full assessed value over 10 years (20% increase every two years), the enhanced PILOT for Phase 1 of 1366 Technologies' build out will not significantly alter the fiscal impact analysis or the underlying assumptions. This is because the overall impact of the enhanced PILOT will only reduce a portion of PILOT/tax payments from 1366 Technologies to the Town (Phase 1 only). Moreover, the Town is working to establish a fee schedule that will be imposed on all projects to cover the Town's costs from project review through construction. Thus, as noted in the fiscal impact analysis, tax rates in the Town will decrease significantly as revenue from the Project increases over time, particularly as 1366 Technologies proceeds to expand to 1 GW (future phases of 1366 Facility are anticipated to be subject to standard a PILOT).

(2) The Project Changes

(i) Master Plan Changes/Updates

The Master Plan Changes/Updates will have no impact upon socioeconomics.

(ii) Demolition of the Houses Along Crosby Road

The demolition of the six houses along the north end of Crosby Road will remove a limited amount of residential development from the Town. This is a very minor impact to socioeconomics and consistent with impacts analyzed in the GEIS/Findings.

(iii) Town Water /STAMP Water & Sewer Service

The Town Water Project is expected to have a positive socioeconomic benefit upon the Town by dramatically expanding the availability of public water to existing households within the Town. These benefits are consistent with and will build upon the socioeconomic benefits of the Project as a whole.

11. Impacts on Historic and Archaeological Resources

a. The 1366 Facility

Phase IB studies have been completed on the 1366 Parcels and along any planned access roads and utility support areas for the 1366 Facility. As a result of the Phase IB work, five archeological sites of potential National Register eligibility, have been identified which could be impacted by the 1366 Facility. Phase II investigations were completed at all five locations. Of these, two identified as requiring further analysis (Archeological Sites 3 and 6). Thus, a Phase III scope of work was proposed and approved by SHPO for both of these sites and was recently completed. No construction activities will take place in the vicinity of Archeological Sites 3 or 6 until the Phase III work is accepted as complete by SHPO.

It is also noted that a Programmatic Agreement between the GCEDC, USACE, and SHPO, initiated by an application for Joint Permit made to USACE, is under development and will stipulate measures to be taken as the Project moves forward to avoid, minimize and/or

mitigate the potential adverse effect on cultural resources consistent with the GEIS/Findings. The 1366 Facility will comply with the stipulations of the Programmatic Agreement to the extent necessary, once it is finalized.

b. The Project Changes

(1) Master Plan Changes/Updates

There are no Master Plan Changes/Updates that will impact historic or archeological resources that will not be addressed through the programmatic agreement.

(2) Demolition of the Houses Along Crosby Road

None of the six houses along the north end of Crosby Road are historic. Moreover, prior to redevelopment of these parcels, the GCEDC will comply with the stipulations of the Programmatic Agreement. To date, Phase 1B field investigations are complete for four of the six parcels. Additional survey work will be undertaken as necessary consistent with the requirements of the Programmatic Agreement once it is finalized.

(3) The Town Water Project

A Phase 1A Cultural Resource investigation was completed for the water route by Deuel Archaeology & CRM in December 2015. It was recommended that a Phase 1B subsurface investigation, in the form of shovel testing be conducted for the archeologically sensitive areas. SHPO indicated in their February 25, 2016 letter, they concur with the Phase 1B testing recommendation and concluded they have no building/structural concerns. A specific scope for the Phase 1B investigation was developed by the GCEDC in consultation with SHPO and Phase 1B work is currently underway. Upon completion of the Phase 1B work, additional survey work will be undertaken as necessary consistent with the requirements of the Programmatic Agreement.

(4) Water Service for STAMP

There are no material impacts to historic or archeological resources associated with water service for STAMP that were not addressed in the GEIS/Findings. Accordingly, the impacts to historic or archeological resources from water service for STAMP are adequately addressed in the GEIS/Findings.

(5) Sewer Service for STAMP

A Phase 1A Cultural Resource investigation was completed for the sewer route by Deuel Archaeology & CRM in December 2015. It was recommended that a Phase 1B subsurface investigation, in the form of shovel testing be conducted for the archeologically sensitive areas. SHPO indicated in their February 25, 2016 letter, they concur with the Phase 1B testing recommendation and concluded they have no building/structural concerns. A specific scope for the Phase 1B investigation has been developed by the GCEDC in consultation with SHPO and the Phase 1B work is currently underway. Upon completion of the Phase 1B work, additional

survey work will be undertaken as necessary consistent with the requirements of the Programmatic Agreement.

12. **Impacts on Agricultural Resources**

a. **The 1366 Facility**

The development of the 1366 Facility and related infrastructure improvements will displace active agriculture land on the Site with a modern, high-technology manufacturing facility that will consist of a main building and supporting facilities, such as access drives, parking lots, utilities and landscaping. However, the development of the agricultural lands on the 1366 Parcels was thoroughly analyzed in the GEIS/Findings.

b. **The Project Changes**

(1) **Master Plan Changes/Updates**

There are no Master Plan Changes/Updates that will impact agricultural resources. The GEIS assumed all agricultural lands within the Project area would eventually be developed.

(2) **Demolition of the Houses Along Crosby Road**

There are no material impacts to agricultural resources associated with the demolition of the houses along Crosby Road that were not addressed in the GEIS/Findings.

(3) **The Town Water Project**

There are no material impacts to agricultural resources associated with the Town Water Project that were not addressed in the GEIS/Findings. In fact, the availability of public water for farming activities may prove to be a benefit to agricultural activities within the Town. In addition, the Project, which included the Town Water Project, has already received approval for STAMP from the NYS Department of Agriculture in January, 2014.

(4) **Water Service for STAMP**

There are no material impacts to agricultural resources associated with water service for STAMP that were not addressed in the GEIS/Findings.

(5) **Sewer Service for STAMP**

There are no material impacts to agricultural resources associated with sewer service for STAMP. Accordingly, the impacts to agricultural resources from sewer service for STAMP are adequately addressed in the GEIS/Findings. Nonetheless, GCEDC plans to coordinate with NYS Department of Agriculture to ensure no further agency review is necessary in connection with construction of sewer service for STAMP as this aspect of the Project was unknown at the time that the GCEDC received its certification for the Project.

13. **Short Term Construction Impacts**

a. **The 1366 Facility**

Construction of the 1366 Facility and related infrastructure improvements has the potential to result in air quality impacts that will generally consist of fugitive dust and mobile source emissions from construction vehicles and equipment. In addition, construction activities would involve the use of heavy machinery and vehicles that generally produce noise in excess of background noise levels. However, these activities would occur during daylight hours, when noise sensitivity is lowest. All of the construction related impacts associated with the 1366 Facility are well within the contemplated thresholds analyzed in the GEIS/Findings.

b. **The Project Changes**

(1) **Master Plan Changes/Updates**

There are no short-term construction related impacts associated with the Master Plan Changes/Updates that were not addressed in the GEIS/Findings.

(2) **Demolition of the Houses Along Crosby Road**

As analyzed in the GEIS/Findings, demolition of existing structures will result in short-term impacts to the environment. These impacts may include increased noise and odor, as well as a short-term impact to air associated with structure demolition, soil disturbances and truck movement. Also, during the demolition process, construction personnel are likely to encounter a number of physical hazards that are typically associated with commercial construction. However, as explained in the GEIS/Findings, all construction and demolition will take place within the boundaries of the Site. Thus, the general public's exposure to any Site hazards will be limited. Additionally, the Project will minimize risks to construction personnel by fully complying with applicable OSHA and New York State Labor Law requirements.

(3) **Town Water /STAMP Water & Sewer Service**

During installation of the water and sewer mains and related facilities, air and water quality may be temporarily impacted by construction activities and equipment. Noise levels will also temporarily increase during construction. All such impacts are well within the scope of construction activities analyzed in the GEIS/Findings.

14. **Future Conditions and Thresholds**

a. **The 1366 Facility**

The 1366 Facility and related infrastructure improvements do not exceed any of the conditions and thresholds set forth in the GEIS/Findings. Specifically:

- The 1366 Facility and related infrastructure improvements will not cause an exceedance of the maximum buildable Site area established (618.18 acres);

- The 1366 Facility and related infrastructure improvements will not cause an exceedance of the maximum building square footage;
- The 1366 Facility and related infrastructure improvements will not cause an exceedance of wetland impacts examined in the GEIS/Findings;
- The 1366 Facility and related infrastructure improvements will be constructed in compliance with the zoning regulations established by the STAMP TD;
- The 1366 Facility and related infrastructure improvements will not cause traffic trip generation in exceedance of 70% of projected trips established in the GEIS/Findings; and
- The 1366 Facility and related infrastructure improvements will not cause an exceedance of any utility loads established for the Project in the GEIS/Findings.

b. The Project Changes

(1) Master Plan Changes/Updates

None of the Master Plan Changes/Updates exceed any of the conditions and thresholds set forth in the GEIS/Findings.

(2) Demolition of the Houses Along Crosby Road

The demolition of the houses along Crosby Road will not exceed any of the conditions and thresholds set forth in the GEIS/Findings.

(3) The Town Water Project

The Town Water Project will not exceed any of the conditions and thresholds set forth in the GEIS/Findings.

(4) Water Service for STAMP

The water service for STAMP will not exceed any of the conditions and thresholds set forth in the GEIS/Findings.

(5) Sewer Service for STAMP

The sewer service for STAMP, which will now be provided via a force main to the Medina WWTF rather than via an on-Site WWTP, although a different method that was contemplated in the GEIS/Findings, will not exceed any of the conditions and thresholds set forth in the GEIS/Findings. The threshold for sewer will be reduced from 3.0 MGD to 1.0 MGD, as this is the volume that the Medina WWTF can handle without significant upgrades to its treatment plant.

15. **Incomplete GEIS/Findings Mitigation**

a. **Long Term Management Plan**

As part of GCEDC's plan for mitigation to avoid and/or minimize any potential impacts to the terrestrial and aquatic ecologies, the GCEDC Findings required the preparation of a LTMP. Town Board Findings required preparation of the LTMP prior to any site plan approvals for use in the review of future Site development. To date, the LTMP has not be finalized, and it is not anticipated that it will be complete prior to initial Site Plan approvals for the Project. In order to ensure that there are no adverse impacts associated with the development of the 1366 Parcels, the GCEDC has proposed deed restrictions and/or conservation easements to further protect wetlands in accordance with the goals of the LTMP. This is being implemented relative to the 1366 Parcels even though the LTMP is still being developed. These restrictions will help to protect wetlands on the Site from being impacted by future development. The GCEDC will also work closely with the Town, and will undertake site plan review for any component of the Project in accordance with the goals set forth by the LTMP.

b. **Farmland Protection Plan**

The GCEDC Findings and the Town Board Findings require the GCEDC to assist the Town with implementing one or more strategies in the FPSR. To date, a committee has been formed, and is in the early stages of development and exploration of options and programs as outlined in the DGEIS, the FPSR and other sources. The formation of this committee was identified as a protection strategy in the FPSR and thus, the Town has now implemented at least one protection strategy from the FPSR. Nonetheless, the GCEDC will continue to work with the Town to advance farmland protection in the Town.

c. **Comprehensive Plan Update**

As agreed upon in the IZA, the GCEDC is tasked with assisting the Town with updating its comprehensive plan. To date, the GCEDC has secured a grant on behalf of the Town in order to cover a portion of the cost for the update, which is anticipated to be completed in full in 2016. The need for a comprehensive plan update emerged from the Town's concerns about potential long-term development pressure from STAMP on the rest of the Town. The implementation of the first phase of the 1366 Facility will produce limited development pressure on the Town. Moreover, the Town has imposed a moratorium on the issuance of commercial building permits outside of the Site until the comprehensive plan update is complete. Thus, there will be no adverse impacts from moving forward with initial development at STAMP before the comprehensive plan update has been completed.

d. **Design Guidelines**

Design standards for buildings to be constructed at STAMP have been discussed between the Town and the GCEDC for several years. In the FGEIS, in response to a comment about design guidelines, the GCEDC noted an intent to form an Architectural Review Committee that would develop design standards for the Site. In the IZA, the Town zoning regulations for the Site provide that any development within any Technology District shall conform to the Town of Alabama's Design Guidelines.

Since the Town adopted its Design Guidelines for STAMP, the GCEDC has formed an Architectural Review Committee comprised of a representative from GCEDC and an architect from GCEDC's engineering firm, Clark Patterson & Lee. A representative from the County Department of Planning also serves on the Committee. In order to help the community understand what specific types of buildings may be constructed at STAMP consistent with the Town's design guidelines, the Committee has developed a series of photographic renderings with explanatory narrative for each of the three TD districts at the Site. In order to ensure that there are no adverse impacts resulting from moving forward with initial development at STAMP prior to development of more specific design guidelines, the Town and the GCEDC have agreed to work closely with 1366 Technologies through the site plan review process to develop a site plan that is consistent with the goals that both the Town and the GCEDC seek to achieve through more specific design guidelines. For the 1366 Facility, particular attention will be paid to building materials visible from public rights of way and landscaping and screening measures.

16. **Unavoidable Adverse Impacts**

a. **The 1366 Facility**

The development of the 1366 Facility and related infrastructure improvements will result in several unavoidable adverse impacts including short-term unavoidable construction impacts, use of real property, loss of agricultural use on the Site, consumption of energy and the resources that go into making that energy, altered habitats on-Site, and impacts to existing traffic patterns. These impacts are consistent with the analysis of unavoidable adverse impacts in the GEIS/Findings.

b. **The Project Changes**

(1) **Master Plan Changes/Updates**

The Master Plan Changes/Updates will not result in any material changes to unavoidable adverse impacts as discussed in the GEIS/Findings.

(2) **Demolition of the Houses Along Crosby Road**

The demolition of the houses along Crosby Road will result in some unavoidable adverse impacts including short-term unavoidable construction impacts, use of real property and consumption of energy. These impacts are consistent with the analysis of unavoidable adverse impacts in the GEIS/Findings.

(3) **The Town Water Project**

The installation of the Town Water Project will result in several unavoidable adverse impacts including short-term unavoidable construction impacts, use of real property, impacts to water resources and consumption of energy and the resources that go into making that energy. These impacts are consistent with the analysis of unavoidable adverse impacts in the GEIS/Findings.

(4) Water Service for STAMP

The consumption of water supplies for STAMP is consistent with the analysis of unavoidable adverse impacts in the GEIS/Findings.

(5) Sewer Service for STAMP

The installation of sewer service for STAMP will result in several unavoidable adverse impacts including short-term unavoidable construction impacts, use of real property, impacts to water resources and consumption of energy and the resources that go into making that energy. These impacts are consistent with the analysis of unavoidable adverse impacts in the GEIS/Findings.

C. Findings

A thorough analysis of the environmental impacts of the 1366 Facility and the Project Changes relative to the environmental impacts identified and analyzed in the GEIS/Findings demonstrate that:

1. The impacts associated with the construction and operation of the 1366 Facility and related infrastructure improvements have been adequately analyzed in the GEIS/Findings and will be carried out in conformance with the conditions and thresholds set forth in the GEIS/Findings.
2. The impacts associated with the Master Plan Changes/Updates have been adequately analyzed in the GEIS/Findings and will be carried out in conformance with the conditions and thresholds set forth in the GEIS/Findings.
3. The impacts associated with the Demolition of the houses along Crosby Road have been adequately analyzed in the GEIS/Findings and will be carried out in conformance with the conditions and thresholds set forth in the GEIS/Findings.
4. The impacts associated with the Town Water Project were not analyzed in the GEIS/Findings. However, as detailed in this Amended Findings Statement, there will be no significant adverse environmental impacts associated with the Town Water Project and the Town Water Project will be carried out in conformance with the conditions and thresholds set forth in the GEIS/Findings.
5. The impacts associated with the water service for STAMP have been adequately analyzed in the GEIS/Findings and will be carried out in conformance with the conditions and thresholds set forth in the GEIS/Findings.
6. The impacts associated with the sewer service for STAMP were not analyzed in the GEIS/Findings. However, as detailed in this Amended Findings Statement, there will be no significant adverse environmental impacts associated with providing sewer service for STAMP from the Medina WWTP and Sewer Service for STAMP will be carried out in conformance with the conditions and thresholds set forth in the GEIS/Findings and as modified by this Amended Findings Statement.

7. The impacts associated with the listing of the NLE Bat as a threatened species were not analyzed in the GEIS/Findings. However, as detailed in this Amended Findings Statement, there will be no significant adverse impacts to the NLE Bat as a result of the Project and the listing of the NLE Bat as a Threatened Species under State and Federal law does not exceed any of the conditions and thresholds set forth in the GEIS/Findings.

8. Having considered the GCEDC Findings and this Amended Findings Statement for the Western New York Science & Technology Advanced Manufacturing Park (STAMP), and having considered the preceding relevant environmental impacts, facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. § 617.11, and having weighed and balanced the relevant impacts with social, economic and other considerations, this Amended Findings Statement recertifies that:

- (i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and
- (ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Genesee County Economic Development Center

Name of Agency


Signature of Responsible Official

Mark A. Masse, CPA

Name of Responsible Official

Senior Vice President of Operations

Title of Responsible Official

July 14, 2016

Date

99 MedTech Drive, Suite 106, Batavia, New York 14020

Address of Agency

Lead Agency Contact:

Mark A. Masse, CPA

Senior Vice President of Operations

Genesee County Economic Development Center

99 MedTech Drive

Suite 106

Batavia, NY 14020

Phone: (585) 343-4866, ext. 17

Fax: (585) 343-0848

Email: mmasse@gcedc.com