New York State Environmental Quality Review Act
Involved Agency Findings Statement

for the

Western New York Science & Technology Advanced Manufacturing Park (STAMP)

Town of Alabama
County of Genesee, New York

Involved Agency:
Town of Alabama Town Board

Involved Agency Contact:
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Lead Agency:
Genesee County Economic Development Center (GCEDC)

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August 13, 2012

State Environmental Quality Review
Involved Agency Findings Statement
Issuance of Positive Findings

Date: July 2012

Pursuant to 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]), The Town of Alabama Town Board, as a SEQR Involved Agency, issues the following Findings:

Name of Action: Western New York Science & Technology Advanced Manufacturing Park (STAMP)

Applicant and Project Sponsor: Genesee County Economic Development Center (GCEDC), and its affiliate The Genesee Gateway Local Development Corporation (GGLDC), their successor and assigns, hereinafter referred to as Project Sponsor
99 MedTech Drive, Suite 106
Batavia, NY 14020

SEQR Status: Type 1 Action, Positive Declaration; Generic Environmental Impact Statement (GEIS) completed

Lead Agency: Genesee County Economic Development Center

Description of Action: The proposed action includes Incentive Zoning Approval (including creation of new zoning districts and rezoning of land to these zoning districts), a Comprehensive Plan Update, to enable build-out of over 6 million square feet of advanced technology manufacturing and related uses providing direct employment to over 9,000 people. Phase I consists of attracting an anchor technology manufacturing facility potentially comprised of 1 million square feet. Once secured, it is envisioned that the anchor facility would attract a variety of technology manufacturing support uses and commercial enterprises. The Project will require water, sewer, gas, and telecommunication infrastructure extension to support the advanced manufacturing facilities. Phase I access is proposed to Crosby Road, with a site driveway extended to SR 77/ 63 under later phases. Roads needed to access and connect the development parcel will be built as needed. The Project would preserve over 640 acres of open space and environmentally sensitive areas, including a 400-foot buffer around the perimeter of the Project Site, expanded to a 1,600-foot buffer along the western boundary adjoining the Tonawanda Seneca Nation.

Location: STAMP is proposed to be located on 1,243.40 acres of land on either side of Crosby Road and bound by State Route 77/ 63 to the east, Judge Road to the south, Tonawanda Seneca Nation to the west, and Lewiston Road (State Route 77) to the north, in the Town of Alabama, County of Genesee, State of New York (STAMP Site).

Date FGEIS Accepted as Complete: January 19, 2012

Contact:

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1.0 Description of Action

STAMP is proposed to be located on 1,243.40 acres of land on either side of Crosby Road and bound by State Route 77/ 63 to the east, Judge Road to the south, Tonawanda Seneca Nation to the west, and Lewiston Road (State Route 77) to the north, in the Town of Alabama, County of Genesee, State of New York.

The proposed action represents the full build-out of the site (Preferred Alternative or Proposed Development) and involves construction of over 6 million square feet of advanced technology manufacturing and related uses providing direct employment to over 9,000 people. Phase I consists of attracting an anchor technology manufacturing facility potentially comprised of 1 million square feet. Once secured, it is envisioned that the anchor facility would attract a variety of technology manufacturing support uses and commercial enterprises.

The Project will require water, sewer, gas, and telecommunication infrastructure extensions to support the advanced manufacturing facilities. Extensions to the water system will augment those lines being contemplated by the Town of Alabama's on-going water study. The Project will provide additional opportunities to expand the reach of broadband to be shared between the Project and residential service. The Project will incorporate a distributed concept of stormwater management facilities and add bioswales at the edges of paved areas to reduce stormwater management system volumes.

Phase I access was proposed by the Project Sponsor to Crosby Road, with a site driveway extended to SR 77/ 63 under later phases. Roads needed to access and connect the development parcel will be built as needed. A New Bypass Road to channel Route 77/63 traffic away from the hamlet of Alabama is proposed at 70% build-out.

In terms of maintaining the visual character of the community, the Project is planned to visually integrate itself into the existing rural, agrarian setting in a comfortable and compatible manner. Larger technology manufacturing structures are located on the lower, western portion of the Project Site, while the smaller-scaled supporting structures are located on the eastern portion of the Project Site to provide a scale transition to neighboring farmland. In addition, significant undeveloped buffer zones are located around the Project Site's perimeter, and the campus-like setting of the Preferred Alternative will ensure that open spaces and environmentally sensitive locations are maintained. This type of setting is not only required to preserve the aesthetic of the surrounding community, but to attract and retain the creative-class work force necessary for advanced technology manufacturing. Building materials are proposed to be high-quality and will be chosen to reflect the rural agricultural vernacular of the area.

The GEIS process has resulted in a reduction of potential wetland impacts from approximately 69 acres to 9.54 acres. This reduction in wetlands impacts was accomplished by reorienting proposed development areas and buildings to be more consistent with existing terrain and by preserving and enhancing an existing stream corridor traversing the site. Moreover, the proposed action is designed to enhance and protect 97 acres of wetlands and approximately 24,000 linear feet of streams and upland buffer areas.

The GEIS process has also resulted in the removal of the John White WMA from the Project Site boundary; the relocation of the proposed Town of Alabama Town Hall closer to the Hamlet of Alabama, as well as Project buildings located near the Hamlet of Alabama being re-scaled in order to be more consistent with the existing character and nature of the Hamlet; and the refinement/ clarification of the 400-foot buffer line around the Project Site perimeter, including the addition of tree plantings along the western Project Site boundary designed to augment existing forested areas in order to create a visual screen which will further reduce the potential visual impacts associated with the Project to surrounding properties. The Project will preserve over 640 acres of open space and environmentally sensitive areas, including a 400-foot buffer around the perimeter of the Project Site, expanded to a 1,600-foot buffer along the western boundary adjoining the Tonawanda Seneca Nation.

In terms of economics, the Project represents an opportunity to bring New York State's significant investment in high technology research, development, and manufacturing to the Western Region of the State of New York. To date, it is our understanding that the Project Sponsor has already received inquiries from high technology companies that could be appropriately accommodated at the Project Site. Therefore, there is considerable market demand for such a high technology campus in this area.

The economic benefits associated with the Project will be substantial and are further summarized in Section 3.0 of this Findings Statement.

This Project requires Incentive Zoning approval by the Town of Alabama and a Comprehensive Plan amendment (both of which were included in the DGEIS). In addition, the Alabama Town Board must request that the County Legislature amend the County Smart Growth Plan to include the STAMP Site in the designated development area.

2.0 Project Alternatives Considered

Section 617.9(b)(5)(v) of the SEQR regulations requires that an environmental impact statement contain a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the Project Sponsor. Although it is not necessary to consider all possible alternatives, those that achieve the same or similar objectives of the Project Sponsor, have relatively the same or reduced environmental impacts, and can be implemented in a timeframe similar to that of the proposed action, should be considered. Section 6197.9(b)(5)(v) of the SEQR regulations further provides that the description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed, but will vary with the circumstances and natures of each alternative.

The following alternatives to the Project are described and evaluated below: No-Build Alternative; an Existing Zoning Alternative; a Cluster Residential Alternative; and the Preferred Alternative. These alternatives offer potential ranges and scopes of development, and are evaluated at a detailed level to allow for comparative analysis and consideration as dictated by the SEQR provisions discussed above.

The basic and overall purpose of the Project is to develop a shovel-ready technology manufacturing site in Western New York. The Project targets green-technology and advanced manufacturing

companies involved in developing and manufacturing clean technology, renewable energy, and/or energy efficiency products. These companies include photovoltaic solar cell manufacturing (PV-Solar), flat panel display manufacturing including medical imaging display, bio-pharmaceutical/nanotechnology-enabled industries, and green technology research and development for energy efficient building products.

An enhanced list of design parameters was established to better assess site viability against local conditions and requirements. The specific requirements of a particular site to achieve the basic and overall purpose of the Project include:

- Must be a site greater than 1,000 acres with 500 acres suitable for low density, campus style development.
- Must be a large and virtually flat site with manageable environmental constraints.
- Must be in reasonable proximity and accessibility from freeway and major airport.
- Must have or be able to obtain high quality, redundant, low cost energy in the range of 50-200 megawatts (MW).
- Must be within a 30-mile radius of the NY Power Authority's Niagara hydropower zone surrounding Niagara Falls to qualify for low cost hydropower in significant quantities to support large-scale technology and advanced manufacturing operations.
- Must be within a 60-minute drive of local and regional labor markets allowing targeted companies to attract qualified employees.
- Must be near available water and sewer infrastructure or have the ability to expand existing systems.
- Must have support of the local community.

In addition to the site selection criteria listed above, it is preferable that the site be in a designated development area under Genesee County's Smart Growth Plan to encourage and support county-wide, community-based planning efforts that target the conservation of Genesee County's agricultural and natural resources.

2.1 Project Alternative Sites

Five individual sites, including the Proposed Development, were evaluated in Genesee County over a period of 15-to-18 months in 2006 and 2007. These sites were located in several towns across Genesee County, including: one (1) in the Town of Batavia; three (3) in the Town of Alabama (including the Proposed Alternative); and one (1) in the Town of Elba.

Site selection criteria represent the first level of evaluation for determining the availability of alternate sites as presented above. The following four sites in Genesee County were evaluated, but for varying reasons did not match the site selection criteria required to achieve the Project's basic and overall purpose.

2.1.1 Offsite Alternative 1 – Alabama Site A-1

Alabama Site A-1 is approximately 2,041 acres in size located on the northeast corner of State Route 77 and Judge Road (State Route 63). A portion of the site overlaps the Project Site between Route 77 and Crosby Road. Almost 250 acres of this site is currently owned by NYSDEC and managed for wildlife at the John White WMA. This site is primarily active agriculture with the exception of roads, residential development, wetlands, and forested areas. Alabama Site A1 meets the basic size and topography requirements for STAMP. This alternative is also within the NYPA hydropower zone and in close proximity to a Genesee County Smart Growth Plan designated development area. However, this alternative was determined to be impracticable due to a lack of willingness on the part of key property owners to sell their property to the GCEDC for the Project. Other factors that weighed against this alternative were the added development costs associated with internal roadway networks and power line extensions as well as potential impacts to strategic farmland.

2.1.2 Offsite Alternative 2 – Alabama Site A-2

Alabama Site A-2 is approximately 1,154 acres in size, located on the southeast corner of State Route 77 and Judge Road (State Route 63). This site is a mix of active agriculture, early successional old field with newly restored conservation areas including wetlands and grasslands, roads, residential development, and small blocks of forested areas. This site is adjacent to Genesee County's Smart Growth development area. Alabama Site A2 meets the basic size and topography requirements for STAMP. This alternative is also within the NYPA hydropower zone and in close proximity to a Genesee County Smart Growth Plan designated development area. However, this alternative was determined to be less viable than the Proposed Site due to challenges associated with land acquisition as well as potential impacts to strategic farmland. Other factors that weighed against this alternative were the added development costs associated with internal roadway networks and power line extensions. From a natural resource impact perspective, comparing potential wetland impacts associated with the Proposed Site, potential natural resource impacts would be more significant including an impact to private land conservation areas protected with conservation easements through the Natural Resource Conservation Service.

2.1.3 Offsite Alternative 3 – Batavia Site

The Batavia Site is approximately 871 acres in size located at the southwest corner of State Route 98 and Batavia-Elba Townline Road. The site is primarily active agriculture with the exception of roads, residential development, and a small amount of wetland and forest habitat. The Batavia Site is closer to key infrastructure (water, sewer, and transportation networks) than other alternatives. However, this site was determined to be impracticable because it does not meet the basic size requirements for STAMP, it is not in the NYPA hydropower zone, and key landowners were unwilling to sell necessary property to the GCEDC for the Project. Other factors that weighed against this alternative were the significant added development costs associated with land values and power line extensions and the presence of strategic farmland.

2.1.4 Offsite Alternative 4 – Elba Site

The Elba Site is approximately 1,739 acres in size, located at the northeast corner of State Route 98 and Batavia-Elba Townline Road. The site consists of active agriculture, wetlands, forest blocks, and a drainage into Spring Creek, which bisects the lower third of the site originating in a large mapped state and federal wetland located just outside of the site boundary. The Elba Site meets the basic size and topography requirements for STAMP. However, this alternative was determined to be impracticable due to its location outside of the NYPA hydropower zone as well as a lack of willingness on the part of key property owners to sell their property to the GCEDC for the Project. Other factors that weighed against this alternative were the added development costs associated with power line extensions as well as potential impacts to strategic farmland. From a natural resource impact perspective, comparing potential wetland impacts associated with the Proposed Site, natural resource impacts at this alternative would be comparable to the Proposed Site.

2.2 Project Alternatives

2.2.1 No-Build Alternative

The No-Build alternative considers the future condition and use of the Project Site without construction of the Project. This existing conditions analysis establishes a baseline for comparison of the benefits, impacts, and potential mitigation measures necessary in the development alternatives.

The No-Build alternative would result in no foreseeable changes regarding the current ownership and use of the properties within the Project Site. Scattered residences would remain, and the agricultural lands would be farmed or lay fallow as they are at present, assuming that farm fields that are currently in use may lay fallow and be used again in another season. In terms of infrastructure, there is no indication that upgrades to the public roads within or adjacent to the Project Site would be made, nor upgrades to the water system, natural gas, electricity, or broadband. In addition, there would be no need to establish a sewer system for the Town of Alabama.

The area within the Project boundary is currently zoned Agricultural-Residential (A-R) according to the Town of Alabama Zoning Law. By law, the current zoning allows for a significant amount of agricultural and residential development on the Project Site. The No-Build Alternative would not remove the Project Site from agricultural use, nor result in an impact to traffic, visual aesthetics, or wetlands. However, the No-Build Alternative will not provide the potential significant socioeconomic and public utility benefits to the Town of Alabama that are associated with the Preferred Alternative. The Project Site would remain undeveloped and consequently provide only a minimal contribution to the community tax base.

The majority of the Project Site is zoned Agricultural-Residential (A-R), with a parcel of approximately 93.8 acres currently zoned Land Conservation (westernmost portion of the John White WMA, west of NYS Route 77).

Existing parcels located within that portion zoned A-R could be subdivided and roads introduced on a lot-by-lot development basis. Lot sizes would be the minimum allowed as determined by the dates the individual lots were created. Lots created before June 1987 have 40,000 square foot minimum sizes with 100-150 foot minimum frontage required. Lots created after June 1987 have 40,000 square feet minimum sizes with 200-foot minimum frontage required. Thus, the Project Site capacity for residential development is approximately 950 lots.

Development of the 950 residential lots will likely require the introduction of Town-scale water and sewer systems to accommodate the large number of residences developed. In addition, a large number of public roads would need to be constructed to realize the residential development potential of particular existing parcels, based upon their locations, sizes, and configurations.

Throughout the community input process that has been conducted for the Project over the past several years, Town of Alabama elected officials and citizens have voiced considerable opposition to additional residential development in the town. The Town of Alabama wishes to retain its agrarian character while attracting complementary commercial uses, and does not wish to permit the widespread development of residential subdivisions within its boundary.

Development of significant residential subdivisions and structures would also eliminate the natural, open vistas characteristic of agriculturally-based communities. New houses would be easily viewed from existing public roads and would line streets within the Project Site. The widespread installation of impervious surfaces and lawns would also create inordinate amounts of stormwater loading, which would adversely impact local water resources.

Residential development consistent with the existing Town of Alabama zoning requirements would further result in a significant burden being placed on the Town of Alabama community services such as fire, police, and ambulatory services. In addition, according to an August 2010 fact sheet published by the American Farmland Trust summarizing over 20 years of "Cost of Community Services (COCS)" studies, the median cost per dollar of revenue to provide public services to residential land use is $1.16. This demonstrates that residential development is a net cost to public resources. This net cost is not sustainable without some offsetting form of land use that can serve as a net income to public resources.

2.2.2 Cluster Residential Alternative

The Cluster Residential Alternative would be planned according to the Cluster Zoning provisions as permitted by the Town of Alabama Zoning Law. Natural areas and open space are the focus of cluster development, and residential lots are requisitely down-sized due to the amount of open space surrounding them (*i.e.*, minimum 25% of Project Site).

Development of the Project Site in a cluster scenario would likely require the introduction of Town-scale water and sewer systems to accommodate the closely-spaced residences. A large number of public roads would have to be constructed as well since an interconnected

network of streets would be required to develop the site in a dense manner as allowed under cluster zoning.

Again, throughout the community input process conducted for the Project over the past several years, Town of Alabama elected officials and citizens voiced significant opposition to additional residential development in the town.

Development of significant residential structures would also eliminate the natural, open vistas characteristic of agriculturally-based communities. New houses would be easily viewed from existing public roads and would line streets within the cluster residential neighborhood. Furthermore, the cluster residential alternative would not ensure the preservation of open spaces, wetlands, and water resources, as well as potential archeological resources.

Residential development consistent with the existing Town of Alabama zoning requirements would result in a significant burden being placed on the Town of Alabama community services such as fire, police, and ambulatory services. Market studies show that widespread residential development results in an increased burden being placed on such services without a concomitant increase in a community's tax base to cover the expense of such additional demands. As with Section 2.2.2 above, according to an August 2010 fact sheet published by the American Farmland Trust summarizing over 20 years of "Cost of Community Services (COCS)" studies, the median cost per dollar of revenue to provide public services to residential land use is $1.16. This demonstrates that residential development is a net cost to public resources. This net cost is not sustainable without some offsetting form of land use that can serve as a net income to public resources.

2.2.3 Preferred Alternative

The Preferred Alternative is the establishment of a high technology campus at the Project Site planned to accommodate over 6 million square feet of advanced technology manufacturing uses at full build-out, providing direct employment for over 9,000 people. Phase 1 is planned to attract an anchor technology manufacturing facility potentially comprised of 1 million square feet. Once secured, the anchor facility will attract a variety of technology manufacturing support uses and supporting commercial enterprises.
In alignment with the Town of Alabama's wishes to create employment opportunities to retain local residents, the Preferred Alternative provides a number of new jobs during both the construction and operation phases of the Project. No private residences will be developed at the Project Site.

The Project will require additional water and sewer infrastructure to support the advanced manufacturing uses being developed. Extensions to the water system will augment those lines being contemplated by the Town of Alabama's on-going water study. The Project will provide an additional opportunity to expand the reach of broadband to be shared between the Project and residential service. Roads needed to access and connect development parcels will be built over time as needed by development.

In terms of maintaining the visual character of the community, the Project is planned to visually integrate itself into the existing rural, agrarian setting in a comfortable and compatible manner. Larger technology manufacturing structures are located on the lower, western portion of the Project Site, while the smaller-scaled supporting structures are located on the eastern portion of the Project Site to provide a scale transition to neighboring farmland. In addition, significant undeveloped buffer zones are located around the Project Site's perimeter, and the campus-like setting of the Preferred Alternative will ensure that open spaces and environmentally sensitive locations are maintained. This type of setting is not only required to preserve the aesthetic of the surrounding community, but to attract and retain the creative-class work force necessary for advanced technology manufacturing. Building materials will be high-quality and will be chosen to reflect the rural agricultural vernacular of the area.

The Preferred Alternative also represents an evolution of conceptual planning that has resulted in a significant minimization and/or avoidance of potential impacts to existing surface water, wetlands, stormwater, and historical and archeological resources. This is clearly demonstrated when a review of the original master plan set forth in the initial Feasibility Study Master Plan is compared with the current Preferred Alternative. For example, the Preferred Alternative has resulted in a reduction of potential wetland impacts from approximately 69 acres to 9.54 acres. This reduction in wetlands impacts was accomplished by reorienting proposed development areas and buildings to be more consistent with existing terrain and by preserving and enhancing an existing stream corridor traversing the site. Moreover, the Preferred Alternative is designed to enhance and protect 97 acres of wetlands and approximately 24,000 linear feet of streams and upland buffer areas.

Other reductions in impacts evident in the Preferred Alternative include a New Bypass Road to channel Route 77/63 traffic away from the hamlet of Alabama, moving to a distributed concept of stormwater management facilities and adding bioswales at the edges of paved areas to reduce stormwater management system volumes.

The most significant revisions made to the Preferred Alternative include the removal of the John White WMA from within the Project Site boundary at this time; the relocation of the proposed Town of Alabama Town Hall closer to the Hamlet of Alabama, as well as Project buildings located near the Hamlet of Alabama being re-scaled in order to be more consistent with the existing character and nature of the Hamlet; and the refinement/clarification of the 400-foot buffer line around the Project Site perimeter, including the addition of tree plantings along the western Project Site boundary designed to augment existing forested areas in order to create a visual screen, which will further reduce the potential visual impacts associated with the Project to surrounding properties. The western-edge buffer provides an average of 1,600 feet of open space along the western boundary adjoining the Tonawanda Seneca Nation property.

In terms of economics, the Project represents an opportunity to bring New York State's significant investment in high technology research, development, and manufacturing to the Western Region of the State of New York. To date, GCEDC has already received inquiries from high technology companies that could be appropriately accommodated at the Project

Site. Therefore, there is considerable market demand for such a high technology campus in this area.

The economic benefits associated with the Project will be substantial and are further summarized in Section 3.0 of this Findings Statement.

3.0 Economic Benefits Associated with the Proposed Action:

The following economic benefits were identified by the GCEDC in the GEIS:

- At full build-out, STAMP will comprise of approximately 6.1 million square feet of employment-supporting building space with a total estimated assessable value of $760.5 million.
- STAMP is projected to support approximately 9,330 Full-Time-Equivalent (FTE) jobs at full build-out and occupancy.
- STAMP employment is projected to generate direct annual wages of almost $532 million at full build-out and occupancy (2011 dollars).
- Total economic output is projected to equal approximately $4.6 billion at full build-out and occupancy, including secondary economic impacts.
- Indirect (supply chain) wages (wages not directly attributed to STAMP employers) are projected to equal $761.3 million at full build-out and occupancy, reflected in indirect employment of over 17,000 FTE jobs.
- Construction phases are projected to support 1,400 to 2,900 direct and indirect FTE jobs during the duration of development, with total earnings ranging from $40.8 million to $83.8 million.
- Property tax rates are projected to decrease due to significant increases in the tax base from STAMP.
- The Town of Alabama could realize a decrease in the tax rate per $1,000 in value from $1.11 to $0.11.
- Genesee County could realize a decrease in the tax rate per $1,000 in value from $9.82 to $7.97.
- Oakfield-Alabama School District could realize a decrease in the tax rate per $1,000 in value from $23.73 to $16.94.
- Total recurring annual State income taxes are projected to equal approximately $33.6 million at full build-out and occupancy.
- Retail operations are projected to generate annual sales taxes of $2.3 million each to Genesee County and New York State.

4.0 Public Need and Benefits

As identified in the GEIS developed by GCEDC for the WNY STAMP Project, the Project's central purpose is to play a significant role in reversing a trend of economic stagnation that has affected the Western New York region in recent years. The need for reversing this trend may be seen locally in

2010 U.S. Census figures indicating declines in population for both the Town of Alabama and Genesee County over the past ten years. STAMP will result in a number of benefits that have the potential to mitigate this trend in a substantial way. Specific anticipated public benefits include:

- Create good paying, 21st century jobs in the local community.
- Reduce the "brain-drain" of young people leaving the community.
- Provide increased revenues to support local community services.
- Provide enhanced utility infrastructure, such as water, sewer, natural gas, and broadband.
- Reduce local property taxes.
- Demonstrate sustainable development.
- Create a "place" of pride in the community.

The proposed action will achieve these benefits by developing a world-class high technology manufacturing center, with a potential focus on renewable energy, serving as an economic development engine central to the economic sustainability and well-being of the western region of New York State.

5.0 Lead Agency Jurisdiction and SEQR Process

Pursuant to SEQR, the GCEDC, as Lead Agency, determined that the proposed development of the WNY STAMP Project was a Type I Action and sought and received concurrence from other Involved and Interested Agencies to be the Lead Agency in the consideration of this proposed action. No objections to GCEDC serving as Lead Agency were made by any interested or involved agency, and on January 26, 2010, GCEDC accepted Lead Agency status for the coordinated SEQR review of the Project.

Based on the information contained in the Full Environmental Assessment Form and in accordance with 6 N.Y.C.R.R. §617.12, the GCEDC determined that the proposed action may have a significant impact on the environment and issued a Positive Declaration, requiring the preparation of a Draft Generic Environmental Impact Statement (DGEIS). A DGEIS was developed and accepted as complete by GDEDC on April 14, 2011. Copies of the DGEIS were then distributed to all of the involved and interested agencies and made available for public review at the Town of Alabama Town Hall, the Haxton Memorial Library in the Village of Oakfield, and GCEDC's offices. A copy of the DGEIS (with appendices) was also posted on the website, www.gcedc.com. A public comment period on the DGEIS was commenced on April 21, 2011, and extended through and until 5:00 p.m. on June 23, 2011. A notice of completion of the DGEIS and a notice of public hearing appeared in The Daily News on April 25, 26, and 27, 2011, and the Environmental Notice Bulletin on April 27, 2011. A notice of the extension of the public comment period to June 23, 2011 appeared in The Daily News on May 17, 18, and, 19, 2011. A public hearing was held on the DGEIS on May 12, 2011 at 7:00 p.m. in the Town of Alabama Fire Hall. The public hearing was opened by Mr. Mark A. Masse, Senior Vice President of Operations for GCEDC, and approximately fifteen (15) members of the public testified about the DGEIS and the potential environmental impacts associated with the Project. The hearing was closed at 8:10 p.m. The public comment period closed at 5:00 p.m. on June 23, 2011, however, comments received after the end of the public comment period were accepted and responded to within the Final Generic Environmental Impact Statement (FGEIS).

The following is a list of the interested and involved agencies that participated in the SEQR review of the Project.

5.1 Involved Agencies

- The Town of Alabama Town Board
- The Town of Alabama Planning Board
- The Genesee County Health Department
- The US Army Corps of Engineers
- The New York State Department of Transportation
- The New York State Department of Environmental Conservation
- The New York State Department of Health
- The New York State Office of Parks, Recreation and Historic Preservation
- The New York State Department of Agriculture and Markets
- The New York Empire State Development Corporation

5.2 Interested Agencies

- The Town of Alabama Fire Department
- The Genesee County Department of Planning
- Tonawanda Seneca Nation
- The New York State Thruway Authority
- The U.S. Fish and Wildlife Services
- National Grid
- Buffalo Niagara Enterprise
- Greater Rochester Enterprise

The FGEIS was issued by GCEDC on January 19, 2012, and a notice of completion of the FGEIS was forwarded to the Environmental Notice Bulletin for publication on January 20, 2012. A Smart Growth Impact Statement pursuant to the State Smart Growth Public Infrastructure Policy Act was completed by GCEDC in February 2012. The Lead Agency issued Positive Findings on March 1, 2012.

6.0 Town of Alabama Involved Agency Jurisdiction

The Alabama Town Board is an involved agency with local approval power over several items related to the proposed action, including but not limited to:

- Revision of the Town Comprehensive Plan
- Revision of the Smart Growth Plan
- Creation of new zoning districts

- Rezoning of lands to be included in the proposed action
- Access to or upgrade of town roads (Crosby Road)
- Possible water/ sewer construction and maintenance (district formation)
- Site plan approval

7.0 Findings and Conclusions Supporting the Town of Alabama's Decision:

Pursuant to SEQR, no involved agency may make a final decision to undertake, fund, approve, or disapprove an action that has been the subject of a Final EIS until the agency has issued their own Findings. This document serves as the Findings for the Town of Alabama, as an involved agency, for this proposed action. In instances where the Town of Alabama agrees with the Findings developed as part of the Lead Agency's Statement of Findings, these Findings are simply restated. In instances where the Town of Alabama does not agree with the Findings developed as part of the Lead Agency's Statement of Findings or would like to establish its own Findings relating to actions in which the Town of Alabama as authority over, new or revised Findings are established in this document.

These Findings:

1. Consider the relevant environmental, economic, and social impacts, facts, and conclusions disclosed in the DGEIS and FGEIS for the proposed WNY STAMP;
2. Weigh and balance relevant environmental impacts with social, economic, and other considerations;
3. Provide a rationale for the Town of Alabama Town Board's decision regarding the proposed action;
4. Certify that the requirements of SEQR have been met; and,
5. Certify that consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts 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 mitigation measures that were identified as practicable.

7.1 Geology and Topography

7.1.1 Discussion of Potential Impacts

To achieve the required design grades, site topography within the internal road grades will be slightly altered. Nevertheless, the Project Site's natural topography will be largely maintained and utilized in order to provide enhanced minimization of the potential visual impacts the Project may have on the surrounding properties.

It is further anticipated that grading both on and off the Project Site will be balanced such that the amount of cut is approximately equal to the amount of fill for any given component of the Project. Topography will thus not be significantly altered by this approach. Additionally, there will not be any significant bedrock removal resulting from construction

activities. Moreover, there will not be any significant removal of surficial geologic materials resulting from the Project. Implementation of the Project will result in local redistribution of some surficial geologic deposits on the Project Site consistent with future grading plans.

Soils within the targeted development areas of the Project Site do not present any unusual or unanticipated conditions for construction activities. During all phases of construction, topsoil will be segregated and stored for landscaping around the developed areas.

Surficial soils will be affected by excavation and grading work done on the Project and within any potential off-site improvement areas. Native soils will be rearranged on the Project Site, and additional fill, as needed, will be brought to the Project Site to create a level surface for construction of buildings, roadways, and parking lots within the development areas. Potential impacts of soil resources may include removal of hydric soils in isolated wetlands and on- and off-site erosion and sedimentation that may potentially occur during and after construction.

7.1.2 Minimization and Mitigation Measures

During the future development of a Project-specific use, the following best management practices shall be implemented by the Project Sponsor at the Project Site to avoid and minimize potential impacts to soils in adjacent undisturbed areas to the maximum extent practicable:

- Temporary erosion and sedimentation controls such as silt fences and hay bales will be installed at the perimeter of the construction area and around any wetland and other waters of the United States that are to remain undisturbed.
- Silt fences will be monitored regularly and reinforced with hay bales in areas where white water flow is observed to be concentrated.
- When feasible, excavated native soils will be used elsewhere on the Project Site for filling and berm construction where appropriate.
- Stockpiled soils will be maintained inside the construction area and may be encircled with silt fences as needed.
- In wetland areas, the top 6 to 12 inches of hydric soils will be segregated and stockpiled. Once the construction activities are complete, the soils will be replaced in the original layer.
- Sediment traps will be constructed where necessary to impound storm water and allow for the settlement of suspended soils. Water will dissipate gradually from sediment traps to minimize the potential for erosion.
- Rip/rap aprons will be established at the outlets of all storm water pipes to dissipate the water's energy and minimize scour.
- Temporary erosion and sediment controls will be monitored regularly and required as needed. Erosion and sediment controls will be maintained until soils are stabilized.
- All disturbed areas on-site will be stabilized, seeded, and mulched. Stabilization will include final grading and the placement of erosion controls as needed. The Natural

Resource Conservation Service will be contacted before commencement of the Project to obtain recommendations on appropriate seed mixtures, soil amendments, and mulch to be used on-site.

7.1.3 Additional Mitigation Measures

The Town of Alabama, as an involved agency, finds that the following additional mitigation measures shall be incorporated into the Project:

- No clearing or grading, other than for site infrastructure, shall occur on the STAMP Site until site plan approval has been granted.

7.1.4 Findings

With the mitigation measures set forth above by both the Lead Agency and the Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential impacts to geology and topography resources to the maximum extent practicable.

7.2 Water Resources

7.2.1 Discussion of Potential Impacts

The Project has been designed to avoid and/or minimize, to the maximum extent possible, adverse impacts to water resources, and although impacts will result from the Project, preservation of large amounts of wetlands and other water resources have been provided, which offset such impacts.

Aquatic resources on the Project Site were identified, evaluated, and considered throughout the design process. The first consideration was to determine if wetland and stream impacts could be avoided entirely. The second consideration was to minimize potential impacts in terms of both quantity and quality to the maximum extent practicable. The third consideration was to develop a mitigation strategy that would compensate for all unavoidable impacts.

Design iterations to the Project Site ultimately reduced potential wetland impacts from approximately 69 acres to 9.54 acres. In addition to reducing total acreage of impacts, wetland location and quality were taken into consideration. The wetlands potentially impacted are low-to-medium quality wetlands, some of which are isolated and not currently regulated. Wetlands potentially impacted by the Preferred Alternative are listed by wetland identification number, along with the community type, total size, potential impact acres, preliminary jurisdiction, and condition rating in Table 6-1 of the FGEIS. With the possible exception of development of a recreational trail in adjacent areas, no wetlands or adjacent areas likely to be regulated by the New York State Department of Environmental Conservation ("NYSDEC") under Article 24 of the Freshwater Wetland Act will be impacted.

A minimum buffer of 100 feet shall be established on either side of Whitney Creek to avoid impacts and allow for stream buffer enhancement opportunities. The second drainage

corridor to the north of Whitney Creek (also referred to as Unnamed Stream No. 2) has also been preserved along with a proposed conservation buffer. The Project will require that the third drainage way (Unnamed Stream No. 1) be re-routed into the second corridor (Unnamed Stream No. 2) to accommodate flow and provide hydrology to enhance and restore wetlands and streams in the protected corridor.

A total of 24,304.89 linear feet of stream, ditches and drainage ways will be preserved and enhanced as a result of the Project. Approximately 9,595 linear feet of ditches and drainage ways will be impacted as a result of the development at the Project Site.

No groundwater will be withdrawn, excavations for buildings will not extend into the groundwater table, and no groundwater discharge is associated with the Project. In addition, stormwater management for each specific use shall be required to manage surface water flow and allow groundwater infiltration. Lastly, the storage of chemicals and petroleum shall be done in strict accordance with applicable state and federal regulations to ensure the avoidance of potential releases to groundwater and/or surface waters.

The Stormwater Management Preliminary Report, attached as Appendix E to the DGEIS, evaluated the Project to full build-out and the impact that the development may have on the Project Site. At full build-out, the Project translates to an increase in impervious surface areas of approximately 490 acres as compared to existing conditions. Impervious surfaces will be generally introduced in the forms of buildings, roads, and parking lots.

On the other hand, the Project will provide significant benefits to existing water resources including the enhancement and protection of approximately 97 acres of wetlands and 24,000 linear feet of streams and upland buffers, as well as offsite wetland stream and buffer mitigation in the southeastern portion of the Whitney Creek watershed, including wetland restoration, invasive species eradication/control, planting of native vegetation, establishment of forested stream buffers, and the creation of legal mechanisms for permanent control.

From a watershed perspective, preservation of existing, high-quality resources that secure connectivity between existing habitat and preservation areas is most important on the Project Site. Restoration of wetlands and stream buffers is a priority in the upper reaches of the watershed that is southeast of the Project Site where greater impacts to aquatic resources have already occurred. The mitigation strategies outlined below will yield the greatest benefit to the function of the watershed as a whole through protected enhancement of headwater streams, wetlands and stream buffers on-site and in the lower reaches, as well as restoration of wetlands and stream buffers in the highly fragmented upper reaches of the Whitney Creek watershed.

7.2.2 Minimization and Mitigation Measures

Surface water resources potentially impacted by the Project are avoided, minimized, and/or mitigated to the maximum extent practicable. Design revisions made to the Project have significantly reduced potential wetland impacts from approximately 69 acres to 9.54 acres. In order to minimize and avoid impacts to surface water resources and allow for stream

buffer enhancement opportunities, a minimum buffer of 100 feet shall be established on either side of Whitney Creek. In addition, the third drainage way (Unnamed Stream No. 1) shall be re-routed into the second corridor (Unnamed Stream No. 2) to accommodate flow and to provide hydrology for the enhancement and the restoration of wetlands and streams in the protected corridor.

Best management practices shall be employed in order to minimize impacts to streams in other waters within the Project Site during proposed construction, utility installation, and transportation facilities. The following best management practices will be implemented by the Project Sponsor:

- Work within streams and other waters of the U.S. shall be scheduled during periods of low flow conditions. No work shall be conducted during or immediately after storm events.
- Work within streams shall be conducted in one continuous operation. Stream beds and banks will be stabilized immediately following construction activities using rip-rap or mulching and revegetation techniques.
- Silt fence and/or straw bales shall be installed along the edges of the stream to prevent the flow of sediment into the stream and to minimize erosion of stream banks.
- Flume pipes or the dame and pump method will be used, as necessary, to divert water flow during construction activities.
- Spoil piles and construction debris shall be temporarily stored outside of the stream corridor.
- Equipment shall cross streams using temporary bridges. No streams shall be forded by construction equipment.
- Construction staging areas will be located at least 50 feet away from all streams, and storage of chemicals, washing or refueling equipment, and mixing of concrete shall be conducted more than 100 feet away from streams.

In addition to the implementation of the above-mentioned best management practices, all potential stream disturbance activities shall be completed in accordance with applicable NYSDEC requirements.

To offset the potential impacts to 9.54 acres of wetlands, approximately 97 acres of wetlands and 24,300 linear feet of stream and upland buffer surrounding wetlands and streams shall be enhanced, restored, and protected in perpetuity on the Project Site. An additional appropriate amount of wetland, stream, and buffer habitat will be mitigated off site targeting the southeastern portion of the Whitney Creek watershed. Mitigation measures shall include restoration of wetlands that have been drained, enhancement of existing wetlands through invasive species eradication and control, including planting of native vegetation, establishment of forested stream buffers, and a legal mechanism for permanent protection of all mitigation areas.

All potential future impacts to wetlands shall be contingent upon the completion of a separate Joint Permit Application process, as needed, involving the U.S. Army Corps of Engineers, NYSDEC, and all other applicable regulatory agencies. Prior to the future development of any Project-specific site, this permit process will develop a final mitigation strategy to protect, restore, and enhance aquatic resource functions and services.

New development within the proposed drainage catchment areas to be located at the Project Site shall require stormwater runoff mitigation, including the best management practices outlined above. All stormwater pond designs shall have a forebay and permanent pool to treat water quality and additional storage volume to handle water quantity. As the Project development proceeds, in addition to a main stormwater pond facility to be located in each catchment area, point source treatment practices shall be implemented as required in the pending NYSDEC New York State Stormwater Management Design Manual. Point source treatment practices shall include rain gardens for roof drainage, bioretention swales, and/or infiltration trenches for parking areas. Land buffers for these treatment practices have been incorporated into the Preferred Alternative.

7.2.3 Additional Mitigation Measures

The Town of Alabama, as an involved agency, finds that the following additional mitigation measures shall be incorporated into the Project.

- The ownership and maintenance of any stormwater facilities, both on-site and off-site, which are constructed as a result of this Project, shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP, and not be the responsibility of the Town of Alabama. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to construction of any such stormwater facilities.
- All wetland mitigation shall be undertaken either by the Project Sponsor, individual project applicants, or other entities. The Town of Alabama will not be responsible for providing wetland mitigation for the Project. All wetland mitigation shall be reviewed and approved by NYSDEC prior to site development.

7.2.4 Findings

With the mitigation measures set forth above by both the Lead Agency and the Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential impacts to water resources to the maximum extent practicable.

7.3 Air Resources

7.3.1 Discussion of Potential Impacts

Based on the air screening analysis provided in the Traffic Impact Study, attached as Appendix I to the DGEIS, an air quality analysis for mobile sources is not necessary for the Project since it will not increase traffic volume, reduce source-receptor distances, or change

other existing conditions to such a degree as to jeopardize attainment of the National and New York State Ambient Air Quality Standards. The development of the Project will result in some increases in heavy vehicle traffic, however, the majority of the Project Site-generated traffic will be from employees who will travel to-and-from the Project Site using non-diesel vehicles. Therefore, based on the expected vehicle mix and the good level of service that will exist at signalized intersections after the development of the Project during the build conditions, particulate matter exceedances will not likely occur as a result of the Project.

Certain manufacturing to be conducted at the Project Site may require compliance with regulatory requirements as set forth by NYSDEC and the United States Environmental Protection Agency (USEPA) pursuant to the Title V Facility Permit, State Facility Permit, and Air Facility Registration air programs. All manufacturing activities to be conducted at the Project will be subject (as applicable) to these permitting requirements. Nevertheless, each potential manufacturing facility located at the Project is anticipated to have actual emissions less than Major Source thresholds, and thus regulated under a State Facility Permit. Moreover, the construction of up to three (3) contiguous manufacturing facilities under common ownership is also expected to be covered under State Facility Permit programs. Taking into consideration the data provided within the Industry Requirements and Environmental, Health, and Safety Impacts Report (attached as Appendix H to the DGEIS), construction of four (4) or more contiguous facilities under common ownership may result in a Major Source classification for certain air emissions subject to a Title V Permit.

Based upon the emissions data presented within the Industry Requirements and Environmental, Health, and Safety Impacts Report, the estimated annual emissions (potential to emit) of regulated air pollutants from any single stationary source to be constructed within the Project Site is expected to be below the Major Source Threshold, (*i.e.*, less than 100 tons per year (TPY) of any single criteria pollutant) less than 10 TPY of a hazardous air pollutant and/or less than 25 TPY of combined hazardous air pollutants. Nevertheless, facilities seeking to locate at the Project Site will need to satisfy the requirements of NYSDEC's Air Guide-1 (as applicable) in addition to all other permitting requirements.

Temporary air quality impacts are likely to occur during the construction phases of the Project. These impacts will consist mainly of dust being generated and would occur as existing vegetation was removed and soils were moved around for grading and construction purposes. These impacts will be temporary and minor since most of the dust generated will settle out within a short distance of the construction activities. Thus, generation will also be consistent with the existing conditions associated with nearby agricultural uses. Preserved open spaces surrounding development areas will help contain any dust generated during construction activities and will serve to mitigate all potential impacts from occurring off site.

7.3.2 Minimization and Mitigation Measures

As discussed above, facilities seeking to locate at the Project Site shall comply with, as necessary, all of the requirements of the NYSDEC, USEPA, and/or the New York State Department of Health pursuant to the Title V Facility Permit, State Facility Permit, or Air Facility Registration programs, as well as NYSDEC's Air Guide-1 requirements.

7.3.3 Findings

With the mitigation measures set forth by the Lead Agency in Section 7.3, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential impacts to air resources to the maximum extent practicable.

7.4 Terrestrial and Aquatic Ecology

7.4.1 Discussion of Potential Impacts

There are twelve (12) ecological community types present at the Project Site that are common and well established throughout their range, as are the majority of plant and wildlife species identified at the Project Site. Two (2) species observed at the Project Site that are currently listed as threatened in New York State (heartleaf plantain and least bittern) are located in areas that will be protected from impacts associated with the Project Site development.

The northern harrier (listed as threatened in New York State) was documented at the Project Site on March 16, 2010. A pair of northern harriers were observed flying low over hedgerow and open field habitats and then traveling west toward the Tonawanda Seneca National property. No active sites were found at the Project Site. Based on multiple negative reproduction call playback sessions and the absence of species during the remaining six-month investigation, it was determined that the Project Site is not used as a nesting location and thus the Project will not have an adverse impact on the species.

The horned lark is a species of special concern in New York State, however, no active sites were found during the Project Site surveys. Nevertheless, it appears that the agricultural fields located at the Project Site are utilized by the horned lark. Agricultural fields are abundant in the vicinity of the Project Site, providing abundant habitat for any species displaced as a result of conversion of land use at the Project Site. Farmland protection is proposed as a key component of this Project, so no additional mitigation is required with respect to the horned lark species.

7.4.2 Minimization and Mitigation Measures

In order to avoid and/or minimize to the maximum extent practicable potential impacts to the terrestrial and aquatic ecologies, a long-term Land Management Plan shall be implemented at the Project Site throughout construction and following Project Site development. In addition to implementation of the Best Management Practices and the Stormwater Mitigation

Measures identified in Section 7.2 of this Findings Statement, this Land Management Plan will mitigate potential impacts to wildlife habitat by maximizing ecological functions at the Project Site, to the watershed, and to the surrounding landscape. The long-term Land Management Plan shall include the following criteria:

- Future development areas will be maintained in their current land use until development construction commences. Most of the Project Site acreage falling into this category are currently being farmed, and shall continue to be farmed using Best Management Practices until the lands are developed by specific Project uses.
- Approximately 640 acres of Project Site shall be maintained as open space/landscaped areas manage to provide greenspace and recreational areas within STAMP. These areas will generally be mowed on a regular basis or in the case of natural grasses, street trees, and visual barriers and berms, trimmed to facilitate maintenance, public safety, and aesthetic environment. Wildlife plantings shall occur as needed and include such things as pollinator gardens, fruit producing shrubs, mast producing trees, and similar microhabitats.
- A diverse array of habitat types will be preserved and restored at the Project Site providing habitat for many different species of life. Approximately 174.2 acres of the Project Site will be set aside as conservation lands. These lands will include forested wetlands, emergent wetlands, streams in riparian areas, shrub wetlands, upland forests, shrub lands, and small grass lands. Where feasible, individual patches of conservation land shall be connected to one another by conservation or open-space corridors, riparian areas will be reinforced, and compatible recreational opportunities will be encouraged and maintained.

Specific habitat management objectives will be written as the preservation and restoration activities described above are completed. Generally, forested areas will be preserved and no active management will take place. Some limited tree cutting may occur to protect public safety, such as when a potential falling tree may endanger users of the recreational trails. Tree plantings will occur in forested riparian restoration and enhancement areas.

All restoration activities shall be conducted using standard techniques and assessment methods. All plantings associates with restoration activities will be designed to provide habitat for a broad array of species with additional consideration given to species of conservation concern. Shrubland and grasslands will be maintained in an early successional state through the use of mechanical or chemical means. Mowing shall be generally preferred as a management tool.

7.4.3 Additional Mitigation Measures

The Town of Alabama, as an involved agency, finds that the following additional mitigation measures shall be incorporated into the Project:

- The ownership and maintenance of any open space and/or conservation lands shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP, and not be the responsibility of the Town of Alabama.

- A Long Term Land Management Plan (LTMP) shall be prepared by the Project Sponsor prior to site plan approval. Copies of this Plan will be provided to the Town of Alabama Town Board and Planning Board for use in the review of future site development.
- Landscape plans for the development of each site, prepared in accordance with the LTMP, shall be provided to the Town of Alabama Planning Board as a part of the site plan review process for future development on the STAMP property.

7.4.4 Findings

With the mitigation measures set forth above by both the Lead Agency and the Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential impacts to terrestrial and aquatic ecology to the maximum extent practicable.

7.5 Technology Industry Health and Safety

7.5.1 Discussion of Potential Impacts

GCEDC intends to develop the Project Site to enable advanced technology and manufacturing operations in the following areas:

- Photovoltaic (PV) manufacturing
- Flat Panel Display (FPD) manufacturing (including medical imaging display (MID))
- Biopharmaceutical/Nanotechnology – enabled industries (Bio-Pharm/Nano)
- Semiconductor Manufacturing

These technologies are described in greater detail in the Industry Requirements and Environmental Health and Safety Impacts Report, attached as Appendix A to the DGEIS. These manufacturing technologies are emergent and may include a wide range of manufacturing activities, each with its own unique requirements for process chemistry. However, even though the specific chemical used within the facilities will vary, each facility will tend to utilize similar categories of chemicals and maintain similar health and safety best management practices.

The leaders of the technology manufacturing industry are pioneering new process chemistries and technologies in efforts to reduce the quantity of chemicals used per unit of production, as well as the toxicity of the chemicals utilized. There are many reasons why the industry leaders are so vigorously pursuing these efforts. First, process chemicals represent a significant portion of the manufacturing cost, and improvements that reduce the quantity of chemicals required will positively impact revenue. Second, substituting less hazardous materials when possible reduces the potential impacts associated with worker exposure or chemical release, and allows for simpler handling and management systems. Third, substituting or reducing quantities of chemicals may allow facilities to more easily comply with state and federal health, safety, and environmental requirements. Thus, as a

result of industry efforts, technology manufacturing has achieved an excellent health and safety record.

All three (3) of the advanced manufacturing technologies involve a variety of chemical substances, and will have associated Material Safety Data Sheets (MSDS) representing the specific chemicals to be used. MSDS will be made available to employees and agencies. Tables 6-11 through 6-16 of the DGEIS provide the estimated maximum annual chemical and component material consumption rates associated with the various potential manufacturing technologies to be located at the Project Site.

All three (3) of the manufacturing technologies will use similar commercially-proven engineering control systems to allow for the management of hazardous materials in a manner that is protective of human health and the environment. Hazardous process chemicals will be stored and/or used at several locations at a typical facility including outdoor areas, at chemical storage rooms, manufacturing process areas, and other indoor areas. The types and quantities of chemicals stored and used in each of these areas are documented in a Hazardous Materials Inventory Statement, which shall be provided to local fire and other emergency service agencies as part of all safety and emergency planning efforts for the Project.

Hazardous process chemicals will be typically delivered and stored and/or used in the following outdoor areas:

1) Bulk gas yard: The bulk gas yard will consist of steel tanks designed for storing cryogenic gases including argon, nitrogen, hydrogen, and oxygen. The tanks will be located within a fenced area on a concrete pad.
2) Emergency generator area: Emergency standby backup power shall be provided by several diesel emergency engine generators also located in an outdoor yard area. Each generator typically involves several thousand gallons of diesel fuel with secondary containment that consist of a rupture basin size for 125% of the primary storage tank. The storage and use of this volume diesel is regulated by the federal Spill Prevention Control and Countermeasure Rules and NYSDEC's regulations for the bulk storage of the petroleum and hazardous substances.
3) Bulk fuel oil storage area: Future industry tenants at the Project Site may also require bulk storage of fuel oil as a backup fuel supply for boiler systems.

Air pollution control systems, including wet fume scrubbers to control acidic or alkaline vapors, ammonia, or oxides of nitrogen, thermal oxidizers to control VOCs and bag houses, or other filters to control particulates, will be located at the Project Site as necessary. Bulk chemical storage may include raw assets or concentrated acid waste. These materials shall be stored in steel-lined tanks equipped with high level sensors and vented to pollution control systems. Chemical storage rooms will also be located in facilities to store hazardous chemicals typically delivered to essential chemical storage and distribution rooms through a dock facility.

Certain areas of the manufacturing process may also rely on bulk chemical delivery systems as opposed to container (*i.e.*, totes, 55-gallon drums, and bottles) transport and delivery of

chemicals. From the chemical storage rooms, bulk chemicals are pumped to the process areas through chemically resistant tubing inside clear secondary containment PVC piping. Secondary containment piping shall be equipped with low point drains and leak detection.

7.5.2 Minimization and Mitigation Measures

A wide variety of environmental and health and safety laws and regulations shall guide the design, construction, and operation of the advanced technology manufacturing facilities to be located at the Project Site. All future manufacturing activities to be conducted at the Project Site shall be subject to the appropriate NYSDEC regulations including those requirements set forth in the Hazardous Substance Bulk Storage Program (6 N.Y.C.R.R. Parts 595-599) and Petroleum Bulk Storage Program (6 N.Y.C.R.R. Parts 612-614). In addition, all hazardous materials transferred to and from the Project Site shall only be transported in Department of Transportation-approved containers by licensed transporters.

The storage and use of any petroleum and hazardous substances at the Project Site shall be subject to the federal Spill Prevention Control and Countermeasure ("SPCC") rules. Facility system design and daily operations at the Project Site shall also comply with all applicable Uniform Fire and Building Codes and a site-specific Hazardous Material Management Plan shall be prepared and submitted to the Town of Alabama Fire Department for approval prior to the issuance of any Certificates of Occupancy. All employees handling hazardous materials or wastes will be appropriately trained in accordance with applicable Occupational Safety and Health Act (OSHA) and Resource Conservation and Recovery Act (RCRA) regulations.

Multiple environmental health and safety programs shall be implemented at the Project Site in order to comply with the applicable provisions of the Town of Alabama Zoning Law, RCRA, New York State Department of Labor regulations, the Emergency Planning and Community Right-to-Know Act, and OSHA regulations.

Hazardous process chemicals shall not be stored at any locations at the Project Site without the user of such chemicals first providing a Hazardous Materials Inventory Statement to the Town of Alabama Fire Department and other local emergency services agencies as part of a comprehensive safety emergency planning effort for the Project. All hazardous materials management practices and engineering controls for the advanced technology and manufacturing facilities to be located at the Project Site shall also be managed consistent with the requirements set forth in Section 6.5.1 of the DGEIS. Lastly, all nanotechnology manufacturing facilities to be located at the Project Site shall comply at all times with applicable USEPA, OSHA, and National Institute for Occupational Safety and Health (NIOSH) requirements (as applicable).

7.5.3 Findings

With the mitigation measures set forth by the Lead Agency in Section 7.5, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential technology industry health and safety impacts to the maximum extent practicable.

7.6 Traffic and Transportation

7.6.1 Discussion of Potential Impacts

GCEDC conducted a Traffic Impact Study, attached as Appendix I to the DGEIS, to review and analyze the potential impacts to existing traffic conditions from Phase 1, 70% of full build-out, and full build-out developments of the Project. The Project shall be constructed in phases over a 20-year planning horizon, with threshold analyses for Phase 1 (1,000,000 square-feet of floor space) and 70% of full build-out the Project Site's trip generation, so that additional evaluations can facilitate the phasing of transportation improvements.

The Project Site is bounded by three (3) roads, with New York Route 77 to the north, New York Route 77/63 Overlap to the east, and Judge Road to the south. A fourth road, Crosby Road, extends north/south through the Project Site. The following study intersections were reviewed and analyzed in the Traffic Impact Study:

- New York Route 63/New York Route 31/New York Route 31A
- New York Route 63/Blair Road/Main Street
- New York Route 77/New York Route 63/Lewiston Road
- New York Route 77/63 Overlap-Ham Road
- New York Route 77/New York Route 63/Judge Road
- New York Route 77/Bloomingdale Road
- New York Route 77/Ledge Road
- New York Route 77/Akron Road
- New York Route 77/I-90 Exit 48A
- New York Route 77/New York Route 5
- New York Route 77/Royalton Center Road
- New York Route 98/Lockport Road
- New York Route 63/Lewiston Road/Park Avenue

Intersection turning movement traffic counts were conducted at the Project Site area intersections during February 2010 and during November 2010. The traffic counts were done during the AM commuter peak from 7:00 to 9:00 a.m. and during the PM commuter peak from 4:00 to 6:00 p.m. A review of the seasonal variations of traffic in the area indicated that there were generally higher traffic volumes during the summer months due primarily to the Project Site's proximity to recreation centers, such as the Darien Lake Amusement Park located south on New York Route 77-63. Therefore, the AM and PM peak hour turning movement counts conducted in February and November were factored to represent average August conditions. The resulting peak hour traffic volumes formed the basis of all traffic forecasts.

An automatic traffic recorder (ATR) was installed by the New York State Department of Transportation (NYSDOT) on NY Route 77 just south of the NY Route 77/NY Route 63/Judge Road intersection to record hourly traffic volumes from August 10, 2010 through August 18, 2010. The following observations are evident based on the existing traffic volume data:

1. The AM peak hour generally occurs from 7:00 to 8:00 a.m. while the PM peak hour generally occurs from 4:00 to 5:00 p.m.
2. The two-way traffic volume on NY Route 77 adjacent to the Project Site is approximately 150 vehicles during the AM peak hour and 200 vehicles during the PM peak hour. The two-way traffic volume on the NY Route 77/63 Overlap adjacent to the Project Site is approximately 360 vehicles during the AM peak hour and 530 vehicles during the PM peak hour. The two-way traffic volume on Judge Road adjacent to the Project Site is approximately 45 vehicles during the AM peak hour and 105 vehicles during the PM peak hour.
3. Heavy vehicle percentages on the NY Route 77/63 Overlap generally range from 5% to 13% by approach during the AM and PM peak hours. Buses account for less than 1% of the traffic.

Regional transit service available in the Project's vicinity is provided by B-Line – Batavia Bus Service (BBS), which is an operating subsidiary of the Rochester Genesee Regional Transit Authority (RGRTA). BBS provides curb-to-curb service within Genesee County, however, service is limited to three days per week with each day restricted to a specific regional area.

The typical AM and PM commuter hours represent the most conservative, "worst case" time periods to calculate potential Project-generated traffic. The trip generation evaluation contained in the Traffic Impact Study indicates that Phase 1 of the Project will generate 403 and 402 new AM and PM peak hour trips respectively, while full build-out of the Project (assumed in Year 2035) will generate approximately 2,034 and 2,749 new AM and PM peak hour trips respectively. The 70% threshold will generate 1,424 and 1,924 new AM and PM peak hour trips.

7.6.2 Minimization and Mitigation Measures

Various improvements have been identified to mitigate, to the maximum extent practicable, the Project's potential impact to existing traffic patterns and flows. It is noted that the improvements typically include traffic signals and turn lanes at intersections. Based on conversations with NYSDOT by the Project Sponsor, alternative traffic controls, such as roundabouts, shall be considered, and the intersections shall be monitored to determine when the improvements should be installed.

It is recommended that a right-turn lane be constructed on the east bound Judge Road approach of the NY Route 77/NY Route 63 intersection, and that this intersection and the NY Route 77/Ledge Road intersection be monitored for the potential installation of traffic signals during Phase 1 of the Project's development.

After Phase 1, and before the 70% threshold for Project build-out is reached, it is recommended that a bypass road be constructed through the Project Site from NY Route 77/63 Overlap just north of Ham Road to NY Route 77 at the existing location of the intersection of Crosby Road. This connector road will provide access to the Project Site, and will allow through traffic on NY Route 77 to bypass the Hamlet of Alabama, reducing potential traffic impacts in the Hamlet of Alabama. Designating the bypass road as Route 77 and de-designating existing NY Route 77 though the Hamlet of Alabama will be considered. In addition to the connector road, several new site driveways shall be constructed as needed and in correlation to the phased development of the Project Site. These site access improvements include: two (2) driveways on NY Route 77, two (2) driveways on Judge Road, and two (2) driveways on NY Route 77/63 Overlap (in addition to the bypass road curb cuts).

Traffic capacity improvements shall be completed (as needed) at several off-site intersections including:

- NY Route 77/NY Route 63/Judge Road
- NY Route 77/Bloomingdale Road
- NY Route 77/Ledge Road
- NY Route 77/Akron Road
- NY Route 77/I-90 Exit 48A

The actual timing and necessity of these improvements will be confirmed after completion of Phase 1 development and subject to the review and approval of NYSDOT.

The full build-out analysis of the Preferred Alternative indicates that a majority of the study area intersections will continue to operate adequately. A two-lane capacity analysis of NY Route 77 shows that only the Judge Road to Bloomingdale Road segment may become congested during full build-out conditions.

There are a number of potential level-of-service (LOS) degradations (increases in delay at area intersections) that may result from the full build-out of the Project and, in order to view those potential impacts in a conservative manner, are being considered potential unavoidable impacts associated with the Project Site's traffic generation. Nevertheless, with implementation of the proposed traffic improvements set forth in the Traffic Impact Study, these potential impacts will be mitigated to the maximum extent practicable.

Based on coordination with the N.Y. State Thruway Authority and evaluation of the available capacity at the I-90 Exit 48A Interchange, as well as queuing at the adjacent signal, the Interchange appears capable of accommodating the build-out of the Project by managing the existing lanes, constructing an additional toll lane, or through an employer incentive that encourages EZ-Pass use.

7.6.3 Additional Mitigation Measures

The Town of Alabama, as an involved agency, finds that the following additional mitigation measures shall be incorporated into the Project:

- For each individual project that is proposed on the STAMP site, the applicant shall provide the Town with the estimated daily and peak hour traffic generation of the project accumulated with traffic counts from previously approved STAMP projects.
- To ensure that no additional potential traffic impacts result from the Project that are not anticipated at the time of this Findings Statement, a supplemental traffic analysis shall be conducted by the Project Sponsor throughout build-out of the Project when the following thresholds are met:
    - When Phase I (or 1 million square feet of building) is completed or when cumulative peak hour trips generated by the Project equals at least 750 trips during either the AM or PM peak hour, whichever happens first;
    - When the Project reaches 70% build-out (4.27 million square feet) or when cumulative peak hour trips generated by the Project equals at least 1,925 trips during either the AM or PM peak hour, whichever happens first.
- The Project Sponsor shall assure that degradation of Town owned and maintained roadways resulting from traffic volumes and/or vehicle classifications brought on by the STAMP Project shall be repaired at no cost to the Town and shall enter into an appropriate road use/ repair agreement with the Town of Alabama and/or explore the conversion of Crosby Road and the portion of Judge Road between the Tonawanda Seneca Nation and State Route 77/63 to Genesee County owned and maintained roadways.
- The main Project Site access road (proposed to be constructed to State Route 63/77 at 70% build-out) shall be constructed by the Project Sponsor to State Route 63/77 prior to completion of the first development project at STAMP.
- Since several Project Site driveways are proposed to access Crosby Road and because the Town of Alabama (current owner of this road) feels this road is under-built for handling the additional traffic volumes and vehicles classifications brought on by this Project, the Project Sponsor shall improve Crosby Road to the expectations of the owner, unless otherwise agreed upon, at no cost to the Town.
- All interior roads built within the Project Site shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP, and not be the responsibility of the Town of Alabama. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to construction of interior roadways.
- The Project Sponsor shall include the Town of Alabama in any discussions with the New York State Department of Transportation and/or Genesee County Highway Department regarding improvements to roadways within the Town of Alabama as a result of the STAMP Project.

7.6.4 Findings

With the mitigation measures set forth above by both the Lead Agency and the Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential traffic and transportation impacts to the maximum extent practicable. Further, the potential traffic and transportation impacts are outweighed by the significant social and economic benefits of the Project.

7.7 Land Use and Zoning

7.7.1 Discussion of Potential Impacts

The pattern of land use in the area surrounding the Project Site will be altered through the full build-out of the Project. The Project Site and surrounding areas largely consist of agricultural lands, recreational open spaces, and a limited amount of large lot residential development. The southeast/west corner adjoining the Project Site is part of the John White WMA and the Tonawanda Seneca Nation property borders the Project Site to the west. The Project proposes modern-high technology manufacturing and ancillary uses utilizing less than 49% of the 1,243.40 acres comprising the Project Site. The majority of the remaining acreage at the Project Site will be preserved for open space and the protection of environmentally sensitive resources.

Implementation of the Project will alter the pattern of existing land uses, transforming primarily open space and subprime agricultural land into a modern, advanced technology campus. However, the existing zoning ordinances do not accommodate the development of the Project. The majority of the Project Site is zoned A-R (Agricultural-Residential).

7.7.2 Minimization and Mitigation Measures

In order to accommodate the Project, GCEDC is proposing that the Town of Alabama consider implementing the following four (4) land use measures to minimize potential impacts the Project may have on existing land uses and zoning-planning goals:

- Implementation of an Incentive Zoning Agreement pursuant to which GCEDC, in exchange for providing certain public amenities to the Town (which will inure to the benefit of the community as a whole), GCEDC will receive a re-zoning of the Project Site into a newly-created Technology Zoning District in order to address the Project's unique needs.
- Amending the Comprehensive Plan for the Town of Alabama to provide for the development of the Project consistent with the other planning goals of the Town and Village, but accepting the vision of the Project's goal of developing a world-class high technology manufacturing center with a focus on renewable energy.
- Considering the adoption of one or more of the strategies found in the Farmland Protection Strategies Report (FPSR) for the Town of Alabama, New York, which has been prepared with the goal of describing and consolidating the potential strategies for the Town of Alabama to evaluate and consider in preserving farmland. FPSR is

provided as one of the proposed mitigation measures for the potential loss of farmland associated with the development of the Project Site.

- Amendment of the Genesee County Smart Growth Plan to include the Project Site within the Hamlet of Alabama Smart Growth development area.

The Project Sponsor has submitted an Incentive Zoning application to the Town of Alabama in furtherance of the potential mitigation measures stated above, and in particular, to request that the Town create a special Technology Zoning District for the Project which will govern all development at the Project Site.

The Technology Zoning District is designed to mitigate off-site impacts potentially associated with the development of the Project Site. The layout of the Technology Zoning District maximizes the benefits of the Project Site layout and incorporates smart design techniques to minimize the potential impacts of the Project. The proposed Technology Zoning District shall also include a 300-foot buffer of open space along any district lot line abutting a Residential (R) or Agricultural-Residential (A-R) District, with the exception of the property in the northeast corner of the Project Site. In addition, a 300-foot buffer will be maintained between zoning districts. Lastly, the proposed Technology Zoning District shall contain an additional open space buffer.

In exchange for granting the zoning incentives set forth in the proposed Technology Zoning District, the Project Sponsor may provide certain amenities identified as priorities by the Town of Alabama, which may include providing potable water, funding and acquiring real property nearer to the Hamlet of Alabama for a new town hall, and assisting and delivering broadband services to the Town.

7.7.3 Additional Mitigation Measures

The pattern of land use will be altered by the Project. In addition to the mitigation measures set forth by the Lead Agency in Section 7.7, the Town of Alabama, as an involved agency, finds that the following additional mitigation measures shall be incorporated into the Project to avoid or minimize potential land use impacts to the maximum extent practicable:

- An Incentive Zoning Agreement between the Project Sponsor and the Town of Alabama shall provide that the Project Sponsor will assist the Town of Alabama, as necessary, to ensure that the following measures are completed in a timely fashion: (1) revising and updating the Comprehensive Plan and Smart Growth Plan to provide for the development of the Project consistent with the planning goals of Genesee County, the Town of Alabama, Town of Oakfield, and the Village of Oakfield, and reflecting the Project goal of developing a world class high technology manufacturing center on the subject property; (2) creating new zoning districts; (3) undertaking any required zoning and/or subdivision revisions; and (4) implementing one or more strategies in the Farmland Protection Strategies Report (FPSR). This agreement shall be in place prior to the commencement of any site development on the STAMP Site.

7.7.4 Findings

With the mitigation measures set forth above by both the Lead Agency and the Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential impacts to land use and zoning to the maximum extent practicable. Further, the potential impacts to land use and zoning are outweighed by the significant social and economic benefits of the Project.

7.8 Utilities

The Project Site will be served by or have access to all major utility facilities, including water, sewer, electric, natural gas, and telecommunications. While the provision of water and sewer is administered by public authorities, all other utility services are provided by private companies.

7.8.1 Discussion of Potential Impacts

Water Services

The Water Service Preliminary Report, attached as Appendix N to the DGEIS, evaluates the necessary improvements required to supply the required water services to the Project Site. The analysis considers two (2) construction phases – Phase 1 and full build-out scenarios. Phase 1 anticipates an assumed building development of 1.0 million square feet with a water demand of 1.0 million gallons per day (gpd).

The availability of water resources and large diameter water mains is limited in the vicinity of the Project Site. Therefore, providing the high water demand necessary for the Project Site will require the development of a network with multiple water resources, rather than one or two simple high volume connections. Several alternatives were considered to provide a water service system that would meet the needs of the Project while minimizing the impact to existing water supply systems. The alternatives consist of providing a supply system including new water mains and connections to existing water mains in the surrounding area, as well as on-site storage tanks.

A phased network approach will be required to satisfy the water supply needs of the Project Site while maintaining the current levels of water service to the various communities. The most practical sources of supply appear to be located to the south and west of the Project Site in the Town of Pembroke and Village of Oakfield, and through Genesee County. A Phase 1 water project consisting of the construction of a Route 77 water main with a Pembroke connection, and a Route 63 and South Pearl Road water main project, will be required to meet the demand for the Phase 1 development of the Project. The construction of an on-site water storage tank would provide the required on-site storage for fire flow and peak demands associated with Phase 1 of the Project. The estimated total capital cost of the Phase 1 water project is approximately $17,247,000.00.

The Town of Alabama and Village of Oakfield are planning water projects that are similar to the ones described above. If these municipal projects are completed in advance of the Project Site and the proposed water main materials and sizes were upgraded, the total

capital cost associated with Phase 1 of the Project Site development may be reduced to $14,484,000.00

In addition to the required alternatives constructed for Phase 1 of the Project's development, additional improvements will be required to service the full build-out of the Project Site. Construction of a Maple Street and Galloway Road water main would be required for the full build-out water system. To provide the anticipated 3.0 million gpd to the Project Site at full build-out, significant upgrades will also be required to the Genesee County, Monroe County Water Authority and Erie County water systems. The estimated total capital cost of the full build-out expansion for the Project is $21,405,000.

Wastewater Facilities

The Sewer Service & Wastewater Treatment Facility Preliminary Report, attached as Appendix O to the DGEIS, was prepared to evaluate the necessary improvements required to provide sanitary service to the Project Site. STAMP will generate a combination of conventional domestic wastewater and wastewater from the manufacturing process and process support systems. The preliminary report evaluates several alternatives to provide sanitary service to the Project, considering the two (2): Phase 1 and full build-out. The sewer demand for Phase 1 is estimated to be 1.0 million gpd. The initial construction of the Project Site would include a wastewater treatment facility and infrastructure to convey and treat this volume of flow. For the full build-out scenario, a sewer design demand of 3.0 million gpd was evaluated. This phase will include upgrades to the wastewater treatment facility and infrastructure previously constructed under the Phase 1 development portion of the Project, as well as new infrastructure to meet anticipated demand.

The location and construction of a wastewater treatment facility on the Project Site is the most economical and feasible approach for addressing wastewater treatment resulting from the Project. The construction of an on-site wastewater treatment facility eliminates the need for long sewer forced mains filled with untreated sewage, allows flexibility to upgrade the wastewater treatment facility easily since it is incorporated into the Preferred Alternative, has the lowest estimated capital costs, eliminates the needs for off-site land acquisition, and allows for feasible permitting for the wastewater treatment facility.

The on-site wastewater treatment facility to be constructed within the Project Site would include a discharge of treated wastewater to the Whitney Creek pursuant to a State Pollutant Discharge Elimination System (SPDES) permit issued by the NYSDEC. A SPDES permit establishes stringent performance standards and operating conditions that are designed to protect the State of New York's waters, including Whitney Creek. The SPDES permit shall incorporate water quality standards, sampling analysis, and reporting requirements, as established by NYSDEC. The sewer service for the Project will also require permitting from the New York State Department of Health, as well as the County of Genesee and the Town of Alabama (if applicable). Based on initial discussions with the NYSDEC, a discharge to Whitney Creek is feasible based on volume and concentration levels for a regulated Intermittent Stream.

Electrical Power

Anticipated electrical loading requirement for the Project is 185 megawatts. National Grid completed a review of system impact of low connection for the Project Site, which evaluated the ability of National Grid's Genesee Regional Power Structure to provide the megawatt load-age on a five-year horizon for the Project. National Grid considers the Findings and analysis contained in its report to be confidential information, and for both proprietary and security reasons, cannot be disclosed publicly. Nevertheless, several of the levels for the Project Site were considered by National Grid. It was concluded that a 9 megawatt load without reactive compensation or a 30 megawatt load with reactive compensation could be supplied at the Project Site without thermal voltage problems developing for the existing system.

Natural Gas

Estimated annual consumption of natural gas for the combined facilities to be located at the Project is 2,700 MMCF, according to the Gas Service Analysis provided as Appendix P to the DGEIS. The proposed gas distribution plan, set forth in the Gas Service Analysis, contains the main components necessary to satisfy the Project's ultimate service requirements in consideration of the operation's parameters for the existing gas distribution system. The nearest natural gas distribution line is located the distance of approximately five (5) miles from the Project Site, near the intersection of Judge Road and Lewiston Road on the northwest side of the Village of Oakfield. Once the gas main extends the boundary of the Project Site, the available gas pressure will be in the range of 30-80 PSIG.

Telecommunications

The Genesee County website indicates existing fiber optic lines running close to the Project Site in two (2) locations. One line is located at the Lewiston Road-Route 77/63 intersection near the northeast corner of the Project Site, and the other is located at the Judge Road-Route 77/63 intersection near the southeast corner of the Project Site.

7.8.2 Minimization and Mitigation Measures

The following measure shall be implemented as part of the development of the Project Site in order to minimize potential impacts to existing utility resources to the maximum extent practicable:

a. The improvements determined to be necessary for the Project Site, as outlined in the Water Service Preliminary Report attached as Appendix N to the DGEIS, shall be implemented (as necessary and applicable) on a going-forward basis as part of the Phase 1 and full build-out development phases of the Project, in conformance with any and all applicable requirements of the Counties of Genesee, Erie, Niagara, the Monroe County Water Authority, the Town of Alabama, and the Village of Oakfield.

b. Implementation of the recommendations set forth in the Sewer Service and Wastewater Treatment Facility Preliminary Report, set forth in Appendix O of the DGEIS, shall be implemented (as necessary and applicable) as part of the Phase 1 and full build-out developments of the Project. The construction of an on-site wastewater treatment facility shall be completed with an anticipated discharge to

Whitney Creek subject to any and all applicable permitting requirements set forth by NYSDEC and, as applicable, the County of Genesee and the Town of Alabama. Discharge from the wastewater treatment facility to Whitney Creek shall be subject to any and all applicable Intermittent Stream requirements as established by NYSDEC.

c. Provision of electrical power to the Project Site shall be completed in conjunction with the recommendations set forth by National Grid and subject to the review and approval (as applicable) by National Grid, Rochester Gas and Electric, the New York Power Authority, and the New York Independent System Operator.

d. Gas services required for the Project Site shall be completed pursuant to the Proposed Gas Distribution Plan, set forth in the Gas Service Analysis attached as Appendix P to the DGEIS. Based on the projected needs of the Project, ample gas pressure will be supplied for future uses at the Project without presenting a potential significant adverse impact to existing natural gas resources.

7.8.3 Additional Mitigation Measures

The Town of Alabama, as an involved agency, finds that the following additional mitigation measures shall be incorporated into the Project:

- The Project Sponsor, pursuant to the terms of the Incentive Zoning Agreement, shall cover the full cost of installation of the water infrastructure described in the Town's Public Water Feasibility Study at the earliest time practicable once all necessary approvals for the water project have been issued, including formation of necessary water districts, and once installation of the water infrastructure is complete, ownership of the water infrastructure shall be transferred to the Town of Alabama at no cost to the Town.
- The wastewater treatment facility and all associated wastewater infrastructure shall be owned and maintained by the Project Sponsor or by a landowner association formed to represent STAMP. Ownership and maintenance of the wastewater treatment facility and associated infrastructure shall not be the responsibility of the Town of Alabama unless otherwise negotiated with the Town. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to construction of wastewater facilities and commencement of site development.
- The Project Sponsor shall request that any communications service providers for the initial phase of the STAMP Project install broadband communications infrastructure in a manner that would facilitate expansion of such service to other portions of the Town of Alabama.

7.8.4 Findings

With the mitigation measures set forth above by both the Lead Agency and the Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential impacts to utilities to the maximum extent practicable.

7.9 Community Facilities

7.9.1 Discussion of Potential Impacts

Development of the Project will have an impact on the existing level of emergency response services provided in the Town of Alabama. Additional resources required to provide police services at the Project Site, however, are expected to be insignificant. Periodic patrols of the Project Site may be required and those efforts will be coordinated between the Genesee County Sheriff's Office and the New York State Police. The larger entities located at the Project Site will typically provide internal security personnel, so routine police patrols will be able to focus on the Project Site's public access areas such as roads and recreational assistance.

With respect to fire and ambulatory services, technology manufacturing companies that will locate at the Project Site will organize and maintain their own internal fire response capabilities. These systems will be fully coordinated with the emergency response providers for the Town of Alabama, Genesee County, and the State of New York. The type of incidents requiring response from public fire protection agencies will be similar to those currently maintained by those agencies. Effective responses to the Project Site will necessitate that the technology manufacturing facilities themselves provide training to local responders so that site-specific and chemical-specific knowledge is conveyed to the responders. Depending on the specific needs of the actual facilities located in the Project, it is possible that additional resources and/or training may be required.

Approximately 54,000 tons per year of solid waste and 3,000 tons per year of hazardous waste are estimated at the peak generation during full build-out of the Project. This amount of solid waste can be readily managed by the existing private contractors operating in the region without the specific need for any additional waste management facilities.

Potential impacts to educational facilities are both direct and indirect. Direct impacts occur during construction and operations. However, due to the absence of school buildings in the Project study area and the remote location of the Oakfield-Alabama Central School District building to the Project Site, no adverse impacts are expected on any educational facilities during construction or operation. With regard to indirect impacts, educational facilities in the area are expected to benefit financially from the development of the Project. As noted in the Economic Impact Analysis, provided as Appendix S to the DGEIS, increase in enrollments related to STAMP will be more than offset by potential increased tax revenues.

Moreover, the removal of the John White WMA from the Project Site at this time, coupled with the enhanced 500-foot buffer to exist between the Project Site and the John White WMA, avoids previous impacts reviewed in the DGEIS.

With respect to court services, the activities at the Project Site will be largely manufacturing-related subject to strict compliance with local, state, and federal requirements. As a result, there will not be zoning related matters that may arise before the local court.

7.9.2 Minimization and Mitigation Measures

With the removal of the John White WMA at this time from the Project Site, potential impacts to public lands and recreational facilities have been further minimized. Furthermore, potential impacts to the existing waste management, highway maintenance, and court services provided in the community will be mitigated to the maximum extent practicable.

With respect to the potential impacts to the existing educational facilities, GCEDC finds that the Project may have a significant benefit to the educational facilities existing in the community as a result of the potential increased tax revenues generated by the Project. Furthermore, new advances in high tech manufacturing companies locating at STAMP will likely strengthen science, math, and technology programs in the schools serving the community.

Depending on the specific needs of actual facilities that may locate at the Project Site, it is possible that additional fire and ambulatory resources and/or training may be required. In order to prepare for that possibility, a preliminary study to determine the existing baseline levels of emergency services currently provided by the Town of Alabama Fire Department, the Genesee County Emergency Services, and the Genesee County Sheriff's Department shall be completed. In addition, a facility-specific emergency services impact study shall be prepared for each actual technology manufacturing facility to be located at the Project Site and submitted to an informal committee composed of local and county emergency response representatives to review and provide input on such studies. Each study will identify mitigation measures that may be required for the following factors:

- Potential for increase in police calls
- Potential for increase in court services
- Potential for increase in EMS calls
- Potential for increase in motor vehicle accident calls
- Potential for increase in hazardous materials calls
- Potential for increase in fire calls
- Potential need for fire apparatus
- Potential incentives to attract additional volunteers for the fire department

7.9.3 Additional Mitigation Measures

The Town of Alabama, as an involved agency, finds that the following additional mitigation measures shall be incorporated into the Project:

- The Project Sponsor shall cover the cost of the completion an emergency service impact study, which includes emergency response to technology industry proposed to be located on the Project Site.
- The Project Sponsor shall ensure that each actual technology manufacturing facility completes a facility-specific emergency services impact analysis to show that there

are no adverse impacts to community services that have not already been evaluated in the GEIS process.

- In order to ensure that emergency service responders are adequately prepared for the potential unique needs of a future use, a facility-specific emergency services impact study (as described above in Section 7.9.2) shall be prepared for each actual technology manufacturing facility to be located at the Project Site and submitted to an informal committee composed of local and county emergency response representatives to review and provide input on such studies. Moreover, to ensure the adequacy of these future studies, a baseline study shall be completed to determine the current baseline levels of services provided by local and county emergency service providers.
- The recreational trail system shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP. Ownership and maintenance of the recreational trail system shall not be the responsibility of the Town of Alabama unless otherwise negotiated with the Town. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to commencement of trail development.
- The recreational trail system shall be open and available for public use.

7.9.4 Findings

With the mitigation measures set forth above by both the Lead Agency and the Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential impacts to community to the maximum extent practicable.

7.10 Community Character and Demographics

7.10.1 Discussion of Potential Impacts

The Project has been designed in a low density campus setting, meaning that development is respectful of and complements its natural landscape. Landscape buffers shall surround the Project along property lines shared with the existing houses, roads, and the Hamlet of Alabama in order to maintain existing view sheds as well as the rural character of the area surrounding the Project. In addition, the ridge line that runs the existing Hamlet of Alabama will remain undeveloped to provide a visual separation between the hamlet and the Project.

In terms of maintaining the visual character of the community, the Project is planned to visually integrate itself into the existing rural, agrarian setting in a comfortable and compatible manner, as outlined in Appendix R of the DGEIS entitled *Visual Impact Assessment*. Larger technology manufacturing structures are located on the lower western portion of the Project Site, while the small-scale supporting structures are located on the eastern portion of the Project Site to provide a scaled transition to neighboring farmland. The eastern portion of the Project Site will also be scaled to mirror the aesthetics of the Hamlet of Alabama. Both the undeveloped buffer zones to be located around the Project Site's perimeter and the campus-like setting of the Preferred Alternative shall ensure that

open spaces and environmentally sensitive locations are maintained. A 400-foot perimeter will be maintained around the perimeter of the Project Site, expanded to an average of 1,600 feet along the western boundary adjoining the Tonawanda Seneca Nation property. Lastly, a minimum 500-foot buffer will be maintained along the Project Site's boundary adjoining the John White WMA.

The Preferred Alternative has been designed to integrate the manufacturing facilities into the existing community fabric. In addition, the following specific design measures have been integrated to minimize Project visibility:

- Cutting of trees and hedgerows shall be avoided to the maximum extent practicable.
- All trees on the Project Site shall be protected from disturbance to the maximum extent practicable to ensure the Project Site retains its rural character.
- All buildings shall be landscaped with indigenous plants adapted to the conditions found in the surrounding area.
- All exterior lighting shall be minimized and focused downward to the maximum extent practicable to avoid excessive night time light and glow above the Project Site.
- The design of specific buildings, structures, signs, and general streetscape, in addition to building materials, shall be high quality and chosen to reflect a rural-agricultural vernacular of the surrounding area.

Potential noise impacts during construction and operation of the Project have been assessed according to NYSDEC guidelines. The Town of Alabama does not have a noise control ordinance that applies to STAMP. NYSDEC's published guidance "Assessing and Mitigating Noise Impacts" (NYSDEC, 2001) establishes a basis to assess the Project's potential for those impacts.

Taking the NYSDEC guidelines into consideration, the Project will limit noise at the STAMP boundary to an L_{EQ} of 65 dBa during the day and 45 dBa at night. NYSDEC guidelines state that noise sources should not increase levels above 65 dBa in non-industrial areas. The proposed Project property line requirement of 65 dBa during the day and 45 dBa at night will ensure that the 65 dBa level referenced by NYSDEC for non-industrial areas is not exceeded. The resulting maximum Project level of 65 dBa generally does not exceed maximum existing average baseline noise levels documented within the vicinity of the Project, which range from 63 dBa to 73 dBa.

Implementation of the Project has the potential to improve local and regional economics significantly. The creation of over 9,000 direct new high salary manufacturing related jobs at STAMP are expected to have a substantial positive effect on local and regional socioeconomic indicators, such as educational levels and per capita personnel and household incomes, compared to the existing baseline demographic statistics and trends presented in Section 6.10.1 of the DGEIS. Other related socioeconomic indicators such as industrial employment, percentage of working age population employed, and a population age distribution, which reflects better retention of working age young adults, shall also be expected to exhibit substantial improvement over present socioeconomic measures.

By creating quality jobs focused on high technology advanced manufacturing and ancillary development, the Project will improve the demographic conditions of the local and regional communities. STAMP is designed to reverse the exodus of young college graduates in the 20-34 year old age range from the Genesee County community and western New York region serving to stabilize the demographic distribution and to retain intellectual capital produced locally, while maintaining the rural agricultural aesthetic of the Town of Alabama.

7.10.2 Minimization and Mitigation Measures

The existing Project, as designed, mitigates to the maximum extent practicable potential impacts to community character and demographics. At full build-out, STAMP will provide a substantial positive impact on local and regional socioeconomic indicators, as well as help reverse the exodus of young college graduates from the Genesee County community and western New York region serving to stabilize the demographic distribution.

7.10.3 Additional Mitigation Measures

The Town of Alabama, as an involved agency, finds that the following additional mitigation measures shall be incorporated into the Project:

- In order to further ensure that the STAMP Project will respect the rural community character of the area, all development on the STAMP site shall incorporate Dark Sky Compliant lighting.
- Design standards, as described in the GEIS, will be incorporated into all projects proposed to be located within the STAMP Project site. These design standards will be incorporated into local law by the Town.

7.10.4 Findings

The Town of Alabama determines that the STAMP Project has the potential to alter the character of the community, but as proposed under the GEIS with mitigation measures set forth in this Findings Statement by both the Lead Agency and the Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project adequately avoids or minimizes potential impacts to the community character and demographics to the maximum extent practicable. Moreover, the Town finds that the Project has the potential to provide significant socioeconomic benefits including reversing the exodus of young college graduates from the Genesee County community and Western New York region.

7.11 Historic and Archeological Resources

7.11.1 Discussion of Potential Impacts

A Phase 1A Cultural Resource Assessment, attached as Appendix T to the DGEIS, was completed for the Project Site. The purpose of the Phase 1A investigation was to gather information pertaining to the environmental and cultural setting of the Project Site in an effort to determine if any prehistoric or historic cultural resources could be potentially and significantly impacted at the Project Site.

As a result of the Phase 1A literature, research, and sensitivity assessment, it was determined that about 40 acres, or 3% of the Project Site area, is comprised of alluvial soils. The site file search produced 17 sites within one mile of the Project Site and one site within the Project Site that indicated historical and archeological importance. Of the 18 known sites, there are 13 prehistoric sites, two 2 historic sites, and 3 sites with no site file form. In addition, the historic maps reviewed indicated several portions with potential historic significance are located within the Project Site. Thirteen (13) artifact clusters and several isolated find spots were identified at portions of the Project Site. The Project Site is therefore regarded as having a high degree of sensitivity for prehistoric sites, and a moderate-to-high degree of sensitivity for historic sites in undisturbed contexts.

Given the high sensitivity for prehistoric sites and the moderate-to-high sensitivity for historic sites, it has been determined that the Phase 1B field investigation that is currently being completed is warranted for all sections of the Project Site to be potentially impacted by future development.

7.11.2 Minimization and Mitigation Measures

Completion of the Phase 1B field investigation and implementation of its recommendations will mitigate any potential significant adverse impacts to historic and/or archeological resources found on the Project Site. Mitigation measures, if any, shall comply with the applicable criteria set forth by the New York State Office of Parks, Recreation & Historic Preservation (NYOPRHP), and may include realignment of structures, impervious services, and other development features to avoid or minimize potential adverse impacts to on-site historic and archeological resources. Coordination with the Tonawanda Seneca Nation will also be required before the implementation of any measures taken prior to the development of a future use at the Project Site.

7.11.3 Findings

In order to address any potential impacts associated with the future development of a specific use at the Project Site, a Phase 1B field investigation of the Project Site will be conducted in coordination with NYOPRHP and the Tonawanda Seneca Nation. All future uses at the Project Site shall be subject to the applicable criteria set forth by the Phase 1B investigation, as well as the NYOPRHP, and shall include, but not be limited to, realignment of structures, impervious services, and other development features to avoid or minimize such potential impacts to the maximum extent practicable.

With the mitigation measures set forth in Section 7.11, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential impacts to historic and archeological resources to the maximum extent practicable.

7.12 Agricultural Resources

7.12.1 Discussion of Potential Impacts

Full development of the Project will result in a loss of agricultural uses at the Project Site. The potential loss of future agriculture use of the Project Site represents less than 1% of the

total crop land acres located in Genesee County (*i.e.*, 0.65%), and approximately 1.7% of total cropland acres located in Agricultural District No. 2. There are approximately 148,584.30 acres of crop land located in Genesee County, with approximately 120,365 acres of this total classified as prime farmland. Agricultural District No. 2 encompasses 55,143.18 acres of land located in the Towns of Alabama, Batavia, Elba, Oakfield, and Pembroke.

Based on the available information, approximately 950 acres of the Project Site are currently being used for farming. The total area of prime farmland located within the Project Site is approximately 275 acres, representing 0.23% of the total prime farmland located in Genesee County and 0.49% of the total prime farmland acreage located in Agricultural District No. 2.

7.12.2 Minimization and Mitigation Measures

A number of factors will mitigate the loss of agricultural use at the Project Site. For example, development of the Project will not result in an immediate total loss of agriculture use at the Project Site. The phase development of the Project, coupled with implementation of the long-term Land Management Plan, will ensure that future development areas will be maintained in the current land use until construction is commenced. As a result, that acreage which is currently being farmed on development areas proposed for the Project Site will continue to be farmed until such time that construction for each respective area is commenced.

In addition, through the GEIS process, the Town of Alabama has been given an important tool in protecting agriculture use in the Town of Alabama in the form of the Farmland Protection Strategies Report (FPSR) provided as Appendix K to the DGEIS. The FPSR describes and consolidates methodologies to protect farmland located in other areas of the Town of Alabama as a mitigation measure for the farmland loss associated with the Project. Strategies listed in the FPSR include:

- Enhancing zoning protection for agricultural lands including the creation of agriculture districts.
- The creation of a subdivision law to manage residential developments.
- Increased minimum lot sizes.
- Adjust supplementary yard regulations.
- Appoint an agricultural member of the Planning Board.
- Create a town-based purchase development rights program.
- Create an advisory town farmland protection committee.
- Identify/refine priority farmland list.
- Promote agriculture and focus on improving agri-business.
- Assist farmers in identifying or developing direct marketing options.
- Provide public education on the value of farms.

- Provide public education on existing programs/assistance.
- Organize/provide farm generation planning/estate planning.
- Organize/assist in identifying farm worker pool.
- Implement additional or strengthen existing right-to-farm laws.

Lastly, GCEDC's development of the Genesee Valley Agri-Business Park is projected to contribute more than $100,000,000 to the local/regional agricultural economy, greatly offsetting the potential loss of agricultural use at the Project Site. Moreover, the substantial tax revenue generated by the Project will reduce the tax burden overall on other agricultural land in the Town of Alabama and Genesee County.

7.12.3 Additional Mitigation Measures

The Town of Alabama, as an involved agency, finds that the following additional mitigation measures shall be incorporated into the Project:

- The Incentive Zoning Agreement between the Project Sponsor and the Town of Alabama shall provide that the Project Sponsor will assist the Town with implementation of one or more strategies identified in the Farmland Protection Strategies Report, as determined by the Town.

7.12.4 Findings

Although development of the Project will result in a loss of agricultural use on the Project Site, with the mitigation measures set forth above by both the Lead Agency and Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential impacts to agricultural resources to the maximum extent practicable by the general phased development strategy for the Project and implementation of the Land Management Plan. Moreover, the potential loss of agricultural lands at the Project Site will be outweighed by the significant socioeconomic and environmental benefits provided by the Project.

7.13 Potential Cumulative and Growth Inducing Impacts

Certain proposed actions covered under the SEQR process have the potential to trigger further development by either attracting a significant local population, inviting commercial industrial growth, or by inducing the development of similar projects adjacent to the Project constituting an action. In addition, Section 617.9(b)(5)(iii)(a) of the SEQR regulations requires the discussion of cumulative impacts where such impacts are "applicable and significant."
Cumulative impacts occur when two (2) or more individual environmental effects which, when taken together, are significant or that compound or increase other environmental effects. The individual effects may be effects resulting from a single project or from separate projects. In addition, potential cumulative impacts that may arise from interactions between the impacts of the Project and the impacts of other projects are addressed in this section. In this regard, cumulative impacts are impacts on the environment that may result from the incremental increased impact of an action when the impacts of that action are added to other present, past,

and reasonably foreseeable future actions. Assessment of any such potential cumulative impacts is limited to the consideration of probable impacts, not speculative impacts.

In general, cumulative impact analysis of external projects is required where the external projects have been specifically identified and either are part of a single plan or program, or there is a sufficient nexus of common or interactive impacts to warrant assessing such impacts together.

7.13.1 Existing or Approved Projects

There are no existing or approved proje**c**ts in the Town of Alabama or surrounding areas that generate potential significant adverse impacts in accumulation with the Project. To the contrary, the Town of Alabama is examining the cost and feasibility of providing public water supply and fire protection to approximately 411 additional homes in the Town of Alabama (Appendix M). The Town of Alabama, the Village of Oakfield, and the Town of Pembroke are planning water main projects in the vicinity of the Project Site. The Town of Alabama is proposing an 8-inch water main along New York State Route 77 from the intersection of Lewiston Road south to the intersection of Route 63, a 12-inch water main along Route 63; from Route 77 to Maple Street; and a 12-inch water main along Route 63, from Maple Street east to the Village of Oakfield water system. This water project, would increase the number of residential homes in the Town of Alabama served by public water to 455 or approximately 70% of the Town's households. This project will provide a significant benefit to the community, and will not, in conjunction with the Project, present any potential significant adverse environmental impacts.

Alabama Ledge Wind Farm, LLC has proposed to develop a wind-powered generating facility of up to 38 turbines with a maximum capacity of approximately 80 MW. At this juncture, it is uncertain whether the project is moving forward for approval. Nevertheless, the wind farm project does not provide a potential cumulative adverse environmental impact in conjunction with the Project.

GCEDC is also developing a 232-acre technology park in Pembroke, New York at the crossroads of New York State Routes 77 and 5, named Buffalo East. However, there are no potential cumulative impacts associated with this project and development of the Project Site.

7.13.2 Inducement of Growth

The Project may have the potential to induce growth in the Town of Alabama and the surrounding communities in a number of ways, including employment opportunities, housing, and ancillary businesses.

Construction Workers Growth

The development of the Project will result in a significant number of construction workers with seasonal employment being located at the Project Site. These workers will be involved in a number of general and specialized construction activities with various trades associated with the different specialized phases of the work. The construction

phase for the Project is planned to continue over a period of approximately 15 years. It is anticipated that there is a current excess of available construction workers in the Buffalo-Batavia-Rochester region, and that many of these workers will be drawn from the existing labor pool along with residents of Genesee County and Western New York. The construction trades workers will most likely patronize restaurants, hotels/motels, entertainment facilities, and other service providers in the vicinity of the Project Site and surrounding communities. This will result in a temporary boost to the local economy. By itself, however, the entry of new construction workers into the area of the Project Site is not expected to result in the opening of any specific new businesses that cater to the needs of these workers.

Population Growth

The Project will provide significant new and expanded employment opportunities in the Town of Alabama and region. The Project is anticipated at full build-out to provide over 9,000 new, quality jobs. Many of these new jobs are expected to be filled by the existing population residing within an approximate 60-to-70 mile radius of the Project Site. Some jobs will be filled by professionals moving into the region. As a result, implementation of the Project will likely contribute to population growth in the Genesee County area, and as far east as Rochester and west as Buffalo.

New Housing

The new jobs created by the Project will spur an increased demand for existing and new housing. In turn, the sale of such housing could create a gradual, increased school enrollment in those respective communities that create new housing over the planned development period. Throughout the community input process conducted for the Project over the past several years, Town of Alabama elected officials and citizens have voiced considerable opposition to additional residential development in the Town of Alabama proper.

Discussions with the Village of Oakfield and the Town of Batavia indicate they would welcome an opportunity to expand their residential base. This would allow Oakfield and Batavia to accommodate residential demand generated by the Project, while allowing Project employees the opportunity to live in areas located near the Project Site. The Project's potential to induce growth within the Town of Batavia and the Village of Oakfield will be managed by the land use planning processes of those jurisdictions. New housing developments in those jurisdictions would need to be in compliance with local comprehensive plan and zoning ordinance requirements.

Ancillary/Secondary Growth

The Project will likely induce some level of complementary secondary growth, especially in the area of supply and support enterprises and other high-technology entities. This potential secondary growth is dependent on the Project securing an "anchor" advanced technology manufacturing company locating at the Project Site. This impact, however, is considered beneficial to the region and the State. The resultant secondary businesses would be complementary to the "anchor" advanced technology manufacturing company, and would not be concentrated in any one portion of the development schedule, or cause any significant growth inducing impacts by themselves. Each secondary business

located outside of the Project Site would need to be consistent with the local zoning or otherwise be approved on a local level, and each would be subject to its own SEQR review process.

Additional potential locations for secondary ancillary development include the City and Town of Batavia, and Erie, Niagara and Monroe Counties. Existing urban areas throughout the Genesee, Erie, Niagara, and Monroe Counties could significantly benefit from the secondary growth resultant from the Project.

Water Induced Growth

Providing water supply to the Project Site may have the potential to cause an amount of induced growth in the surrounding region. However, as stated above, the Town of Alabama is already examining the cost and feasibility of providing public water supply and protection to approximately 433 additional homes in the Town of Alabama. The Village of Oakfield and the Town of Pembroke are also planning water main projects in the vicinity of the Project Site. These projects will provide a significant benefit to the community.

Traffic Improvements

Anticipated traffic improvements required for the Project will not have the potential to induce growth. The traffic improvements recommended in Section 6 of the DGEIS and in the *Traffic Impact Study* are designed to act as mitigation measures only for the potential impacts of traffic resulting from the Project, as opposed to mechanisms by which induced growth can occur.

7.13.3 Smart Growth Impacts

A Smart Growth Impact Statement ("SGIS") was prepared for the Project in February, 2012, pursuant to the requirements of Article 6 of the Environmental Conservation Law, also known as the State Smart Growth Public Infrastructure Policy Act ("Smart Growth Act"). As analyzed in the SGIS, the Project complies with the following Smart Growth Act Criteria or will comply before development of the Project proceeds:

- To advance projects in developed areas or areas designated for infill development per a comprehensive land use plan, local waterfront revitalization plan or brownfield opportunity area plan.
- To protect, preserve and enhance the state's resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archaeological resources.
- To coordinate between state and local government and inter-municipal and regional planning.
- To participate in community-based planning collaboration.
- To ensure predictability in building and land use codes.
- To promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of

future generations, by among other means encouraging broad-based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation.

The Project does not comply or only complies in part with the following Smart Growth Act Criteria:

- To advance projects for the use, maintenance, or improvement of existing infrastructure.
- To advance projects located in municipal centers.
- To foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty and public spaces, the diversity and affordability of housing in proximity to places of employment, recreational and commercial development and the integration of all income and age groups.
- To provide mobility through transportation choices including improved public transportation and reduced automobile dependency.

In terms of compliance with the criterion to advance projects for the use, maintenance, or improvement of existing infrastructure, full compliance with this criterion is impracticable because of the Project's need for a sufficiently large and flat site with a minimum of 1,000 acres and such a location with adequate existing infrastructure is simply not available to meet STAMP's needs. Nonetheless, existing infrastructure will be able to service the Project in part and the need for new infrastructure has been minimized to the maximum extent practicable.

In terms of compliance with the criterion to advance projects located in municipal centers, while the Project Site is located adjacent to the municipal center of the hamlet of Alabama, full compliance with this criterion is impracticable because of the Project's need for a sufficiently large and flat site with a minimum of 1,000 acres to implement a low-density master plan in a campus like setting. Nonetheless, in order to minimize adverse impacts, the Project has been designed to visually integrate with the Hamlet and some project components such as a proposed new Town of Alabama Town Hall and a new bypass road to channel Route 77/63 traffic away from the Hamlet will strengthen the Hamlet and help it thrive as a municipal center.

In terms of compliance with the criterion to foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty and public spaces, the diversity and affordability of housing in proximity to places of employment, recreational and commercial development and the integration of all income and age groups, the Project complies with this criterion to the extent that it involves a mixed use development that will protect natural features and create naturally beautiful public open space including a trail network within the Project Site. In addition, the Project will help revitalize the hamlet of Alabama. The Project does not comply with this criterion to the extent that it involves a low-density campus like development and does not foster brownfield redevelopment. Compliance with these elements are simply not practicable given the goals

of the Project. Other portions of this criterion such as fostering diversity and affordability of housing in proximity to places of employment, recreational and commercial development and the integration of all income and age groups are not applicable to the Project.

In terms of compliance with the criterion to provide mobility through transportation choices including improved public transportation and reduced automobile dependency, for the workers on-campus at Stamp, a network of trails for walking or biking between sections of the campus has been designed to reduce automobile dependency while workers are present. In addition, a portion of the campus has been designated for worker-support services (commercial and retail) so workers will be able to access such services without having to drive off-campus, and, instead, can access via a short bike ride or walk. Nonetheless, full compliance with this criterion is impracticable. The rural setting of the Project location, selected after careful evaluation, means that public transportation options will be fairly limited and it is likely that most workers will commute to the campus via automobile.

Overall, STAMP is a unique project, the size and scope of which make compliance with all of the Smart Growth Act criteria impracticable. Nonetheless, compliance has been achieved to the maximum extent practicable and the economic benefits of the Project, from its first phase through full build-out, will more than outweigh any negative impacts from inconsistencies with Smart Growth criteria. In addition, through the SEQR process for the Project has identified and mitigated potential significant adverse impacts. The Project's potential to stimulate good-paying jobs and long-term economic growth, and in turn reverse demographic outflow in Western New York, will have a significant long-term benefit in those areas where high-density development, but an inadequate supply of population, exist. The Project's associated benefits will also include increased utility infrastructure, decreased real property tax rates, and increased local revenues to support community services. The Project, despite its rural location, is still within an hour's drive of the major population centers of Western New York, including metropolitan Buffalo and Rochester.

The Town of Alabama intends to take certain actions to help address potential development pressure, particularly residential development likely to takethe form of large lot frontage development occurring along existing roads that, in time, becomes more detrimental to the rural/ agricultural character of the Town than clustering residential development would. Thus, the Town plans to consider updates to its Comprehensive Plan and/or revisions to zoning and subdivision standards to help direct how future residential development will be handled.

7.13.4 Findings

The Project is not interdependent upon or undertaken as a result of or otherwise dependent upon any other proposed action in the area. The Project has the potential to provide positive economic growth within a large geographic area, thus some level of induced growth has been anticipated in the overall design of the Project and will be accommodated within the Project Site. Other growth resulting from the Project could occur in the Town of Alabama, Village of Oakfield, and Town of Batavia, as well as the urban areas of Genesee, Erie, Niagara, and Monroe Counties. Such growth will occur on a voluntary basis, subject to

local environmental review and approval. Localities that do not desire such growth related to the Project will have the ability to limit future growth consistent with their comprehensive master planning efforts, whereas those localities that desire such growth can take appropriate steps to encourage site plan applications allowing construction to proceed. Compliance with Smart Growth Act criteria has been achieved to the maximum extent practicable and where necessary non-compliance has been justified.

With the mitigation measures set forth by both the Lead Agency and the Town of Alabama, the Town of Alabama, as an involved agency, finds that the Project will adequately avoid or minimize potential growth inducing impacts to the maximum extent practicable.

8.0 POTENTIAL UNAVOIDABLE IMPACTS

Development often permanently alters the conditions of an area, and in the process, creates certain unavoidable impacts. With respect to the Project, certain unavoidable impacts may be presented in the form of material, energy, agricultural resources, altered habitats for non-endangered plants and animal species, and aquatic resources. However, these impacts will be minimized and/or avoided to the maximum extent practicable as a result of the implementation of the mitigation measures identified in this Findings Statement. Furthermore, the substantial financial and community benefits that will result from the Project shall greatly offset the incurrence of such impacts.

The following is an examination of the potential short-term and long-term unavoidable impacts that may result from the Project.

8.1 Potential Short-term Unavoidable Impacts

Short-term unavoidable impacts will likely be created during the construction phases for the Project. These impacts may include increased noise and odor, as well as a short-term impact to air associated with soil disturbances and truck movement. Effective site planning and development will mitigate the anticipated impacts associated with construction of the Project to the maximum extent practicable.

8.2 Potential Long-term Unavoidable Impacts

Certain long-term unavoidable impacts may result from the full build-out of the Project. Some of these impacts will be mitigated through the measures identified in this DGEIS. Such impacts include:

8.2.1 Loss of Property

The Project will represent a permanent impact on less than 49% of the 1,243.40 acres of land comprising the Project Site. However, over half of the total acreage will be set aside for the protection of the wetlands, surface waters, ecologically sensitive areas, and recreation and open space areas that exist on the Project Site. The incorporation of the planning designs set forth in this Findings Statement shall mitigate the unavoidable loss of the Project Site's acreage to the maximum extent practicable.

8.2.2 Loss of Agricultural Use on Project Site

Despite the goal of maintaining as much open space as possible on the Project Site, once the Project is developed, the opportunities for future active farming on the Project Site will be lost on an incremental basis. The potential loss of future agricultural use at the Project Site represents less than 1% of the total cropland acres located in Genesee County, and approximately 1.7% of total cropland acres located in Ag District No. 2. In return for this loss of cropland, the Project will create over 9,000 high-paying technology-related direct jobs at the Project Site and will become a significant net contributor to the local economy.

A number of factors will further mitigate the loss of agricultural use at the Project Site. For example, development of the Project will not result in an immediate total loss of agricultural use at the Project Site. The phased development of the Project, coupled with implementation of the long-term Land Management Plan, will ensure that future development areas will be maintained in their current land use until construction is commenced. In addition, an important tool in mitigating the loss of agricultural use at the Project Site will be the Town of Alabama implementing the FPSR. The FPSR is intended to identify and consolidate potential strategies for the Town of Alabama to evaluate and consider for preserving farmland elsewhere in the Town. The FPSR goes well beyond mitigating farmland loss associated with the Project, providing the Town with a comprehensive framework for developing and implementing a farmland protection strategy for the entire Town. In addition, the substantial tax revenue generated by STAMP will reduce the tax burden on other agricultural land in the Town of Alabama and in Genesee County.

Lastly, GCEDC's development of the Genesee Valley Agri-Business Park is projected to contribute over $100,000,000 to the local and regional agricultural economy, greatly offsetting the loss of agricultural use at the Project Site.

8.2.3 Permanent Use of Energy

The full build-out of the Project Site will result in the Project utilizing on a permanent basis certain energy resources including electricity and natural gas. However, the estimated consumption is well within the capacity of the energy sources. In addition, the Project lies within the Niagara Hydro Power Zone which will provide a low-cost renewable source of energy for the Project.

8.2.4 Altered Habitats for Non-Endangered Plant and Animal Species

The full build-out of the Project may result in an unavoidable alteration of habitats for some non-endangered plant and animal species. The ecological communities (habitats) found at the Project Site are common throughout New York State and within the surrounding landscape. Habitat alteration resulting from the Project will be offset by protection and restoration of key natural area corridors on the Project Site, abundant habitat for these species immediately adjacent to the site and in the immediate vicinity of the Project Site, including over 19,000 acres of currently protected conservation lands.

8.2.5 Impacts to Aquatic Resources

The full build-out of the Project may result in the unavoidable loss of wetland and associated headwater stream habitat, most of which is of low quality due to degradation by past and current land use at the Project Site. Compensation for these impacts will be provided by implementation of a mitigation strategy that will enhance, restore, and protect wetlands and streams of equal or greater value on and off the Project Site. Any temporal loss of aquatic resource functions and services will be buffered by the ecological resilience of the surrounding watershed.

8.2.6 Impact to Existing Traffic Patterns

There are a number of potential LOS degradations (increases in delay at area intersections) that may result from the full build-out of the Project and, in order to view those potential impacts in a conservative manner, are being considered potential unavoidable impacts associated with the Project Site's traffic generation.

Nevertheless, the full build-out analysis of the Preferred Alternative indicates that a majority of the study area intersections will continue to operate adequately. A two-lane capacity analysis of NY Route 77 shows that only the Judge Road to Bloomingdale Road segment could become congested during full build-out conditions.

In sum, the Traffic Impact Study attached as Appendix I of the DGEIS indicates that the proposed improvements for the Project will provide adequate operations at the Project's study area intersections and on the existing road network for the levels of traffic anticipated.

9.0 EFFECTS ON USE AND CONSERVATION OF ENERGY RESOURCES

The construction and operation of STAMP will have both short-term and long-term impacts on the use and conservation of energy resources. In the short term, construction of the Preferred Alternative will involve the use of non-renewable energy resources including gasoline, diesel, fuel oil, and electricity. In addition to construction-related energy use by equipment such as excavators, backhoes, loaders, bulldozers, dump trucks, generators, and paving equipment, an indirect use of energy would also occur as a result of construction workers commuting to and from the Project Site.

The general long-term impacts of the Preferred Alternative on the use and conservation of energy would result in traffic generated by the Project and the consumption of energy from day-to-day operations of users located at the Project Site. Estimated electric and natural gas loads for the Project are described in more detail in Section 6.8 of the DGEIS. In addition, the Industry Requirements and Environmental, Health, and Safety Impacts Report, attached as Appendix H to the DGEIS, also analyzes how potential manufacturing technologies targeted for the Project Site would consume energy.

STAMP's anticipated annual consumption of natural gas and electricity can be met by the current energy sources as described more fully in Section 6.8 of the DGEIS. Nevertheless, the design and development of the buildings to be located at the Project Site will incorporate state of the art energy

efficient technologies and will meet current applicable federal and state requirements. In addition, the advanced technology and manufacturing operations to be located at the Project Site include technology sectors that will help advance the Nation's progress toward the utilization of renewable energy resources, thus creating a conservational benefit. Lastly, the Project Site lies within the Niagara Hydro Power Zone which will provide a low-cost renewable source of energy for the Project.

It is anticipated that buildings constructed at the Project Site will conform to the energy standards recommended by the New York State Building Construction Code. Buildings will be designed and constructed incorporating design and selection, equipment assistance to achieve maximum energy conservation, in compliance with applicable provisions set forth in the New York State Energy Conservation and Construction Code. Given the projected build-out timeframe, each proposed new structure shall be required to meet the applicable energy standards of the most recent provisions of the New York State Energy Conservation and Construction Code.

10.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

STAMP will require the irreversible and irretrievable commitment of certain human, material, environmental, financial, and energy resources. The commitment of these resources, however, will be greatly offset by the socioeconomic benefits that will result from the construction and implementation of STAMP.

Human and financial resources have already been expended by GCEDC, the State of New York, the County of Genesee, and the Town of Alabama for the planning and review of the Project. The expenditure of funds and human resources will continue to be required throughout the permitting and construction phases of STAMP (*e.g.*, for environmental reviews and permitting, site plan approval, rezoning, and building and construction inspections).

STAMP also represents the commitment of the land for the life of the Project. Less than 49% of 1,243.40 acres of property will be developed and not available for alternative uses for the life of STAMP. However, through a comprehensive planning approach that takes into consideration environmentally sensitive resources, the majority of the Project Site's acreage will be preserved as open space in order to protect existing wetlands and other ecological resources, as well as to provide a more rural, agrarian aesthetic consistent with the community's character. The substantial landscape buffers will surround the Project Site along property lines shared with other property owners in order to maintain existing view sheds and the rural character of the area surrounding the Project Site. In addition, coupled with the implementation of the Land Management Plan, the Preferred Alternative mitigates the impact of the permanent commitment of the remaining acreage of the Project Site to the maximum extent practicable.

Various types of construction materials and building supplies will also be committed to the Project. The use of these materials, such as gravel, concrete, steel, etc., represents a long-term commitment of these resources which will not be available for other projects. Energy resources also will be irretrievably committed to the Project during the construction and operation of the Project. Fuel and electricity will be required during site construction and project operations. In addition, the Project Site lies within the Niagara Hydro Power Zone and will draw some of its electrical consumption needs from this renewable energy source. Lastly, the design of the buildings

on the Project Site will utilize LEED standards to the maximum extent practicable, thus maximizing energy efficiencies in the construction process and sustainable practices in the on-going operations of the Project's facilities.

A commitment of private and public funds will be made to the Project based on the premise that residents in the immediate communities, region, and State will greatly benefit by increased property and sales tax revenues, growth, and land values surrounding the Project Site, increased employment opportunities in the local, regional, and State communities, and other revenues directly or indirectly generated by the Project. Therefore, the initial financial investments illustrated in the Preferred Alternative represent a long-term benefit rather than irreversible or irretrievable commitments of resources.

11.0 CONDITIONS AND THRESHOLD CRITERIA

A GEIS is prepared by a lead agency whenever there is a need to assess a wide variety of impacts at a conceptual level, rather than on a project-specific or site-specific environmental impact statement. By addressing potential impacts and adopting conditions and thresholds for future development and actions upfront, the use of a GEIS can establish a framework by which potential significant adverse environmental impacts are addressed at the planning stage, thus reducing future SEQR review requirements as new construction proceeds at later stages. As the Project progresses, changes may occur as the conceptual plans are developed into final design proposals. Such changes may specifically include proposed changes to the Preferred Alternative including increases or decreases in total project square footages devoted to a specific use.

This section identifies both the conditions to be complied with related to the over-all development of the Project, as well as the threshold criteria to consider when determining whether or not a future use at the Project Site requires supplemental SEQR review.

11.1 SEQR Procedures

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 SEQR. The Town of Alabama, as an involved agency, will be responsible for performing an environmental determination on Future Project Uses pursuant to SEQR, and will consider Future Project Uses proposals in relation to: (i) the DGEIS; (ii) the FGEIS; (iii) this Findings Statement; and (iv) any relevant determination of the Lead Agency, the GCEDC..

Upon submission of specific site plans to the Town of Alabama Planning Board for site plan approval, the Planning Board 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 the Planning Board 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 SEQR 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.

11.2 Conditions

GCEDC, as Lead Agency, along with the Town of Alabama, as an involved agency, has determined that the following mitigative conditions shall be met as part of the overall development of the Project and in conjunction (as applicable) to any Future Project Use:

1. Implementation of the Best Management Practices set forth in Section 7.1.2 of this Findings Statement with respect to soils located at the Project Site.
2. No clearing or grading, other than for site infrastructure, shall occur on the STAMP Site until site plan approval has been granted.
3. A minimum buffer of 100 feet shall be maintained on either side of Whitney Creek. The third drainage way (Unnamed Stream No. 1) shall be re-routed into the second corridor (Unnamed Stream No. 2) to accommodate flow and provide hydrology to enhance and restore wetlands and streams in the protected corridor.
4. Compliance with the Stormwater Best Management Practices set forth in Section 7.2.2 of this Findings Statement. All potential future impacts to wetlands shall be contingent upon the completion of a Joint Permit Application process, as needed, involving the U.S. Army Corps of Engineers, NYSDEC, and other applicable regulatory agencies. The approximately 97 acres of wetlands and 24,300 linear feet of stream and upland buffer areas surrounding wetlands and streams shall be enhanced, restored, and protected in perpetuity on the Project Site. Off-site mitigation targeting the southeastern portion of the Whitney Creek watershed will be completed including the restoration of wetlands that have been drained, enhancement of existing wetlands through invasive species, eradication and control; planting of native vegetation; establishment of forested stream buffers; and permanent protection of all mitigation measures. Lastly, stormwater

management practices shall be implemented at the Project Site pursuant to the requirements of NYSDEC's New York State Stormwater Management Design Manual.

5. The ownership and maintenance of any stormwater facilities, both on-site and off-site, which are constructed as a result of this Project, shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP, and not be the responsibility of the Town of Alabama. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to construction of any such stormwater facilities.
6. All wetland mitigation shall be undertaken either by the Project Sponsor,individual project applicants, or other entities. The Town of Alabama will not be responsible for providing wetland mitigation for the Project. All wetland mitigation shall be reviewed and approved by NYSDEC prior to site development.
7. All potential air emissions associated with Future Project Uses shall comply (as applicable) with the regulatory requirements set forth by NYSDEC and USEPA pursuant to the Title V Facility Permit, State Facility Permit, and Air Facility Registration Programs. Facilities seeking to locate at the Project Site will further need to satisfy the requirements of NYSDEC's Air Guide-1 (as needed).
8. The Land Management Plan identified in Section 7.4.2 of this Findings Statement shall be implemented at the Project Site throughout construction and following Project Site development.
9. The ownership and maintenance of any open space and/or conservation lands shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP, and not be the responsibility of the Town of Alabama.
10. A Long Term Land Management Plan (LTMP) shall be prepared by the Project Sponsor prior to site plan approval. Copies of this Plan will be provided to the Town of Alabama Town Board and Planning Board for use in the review of future site development.
11. Landscape plans for the development of each site, prepared in accordance with the LTMP, shall be provided to the Town of Alabama Planning Board as a part of the site plan review process for future development on the STAMP property.
12. All future manufacturing activities to be conducted at the Project Site shall be subject to appropriate NYSDEC hazardous substances and waste regulations, including but not limited to, those requirements set forth in the Hazardous Substance Bulk Storage Program (6 N.Y.C.R.R. Parts 595-599) and the Petroleum Bulk Storage Program (6 N.Y.C.R.R. Parts 612-614). The storage and use of any petroleum and hazardous substances at the Project Site shall be subject to the federal Spill Prevention Control and Countermeasure rules. The facility system design and daily operations at the Project Site shall comply with all applicable Uniform Fire and Building Code provisions, and a Hazardous Material Management Plan for each Future Project Use shall be prepared and submitted to the Town of Alabama Fire Department for approval during any site plan application process. All employees handling hazardous materials or chemicals will be trained in accordance with applicable OSHA and RCRA regulations. Environmental health and safety programs shall also be implemented at the Project Site in order to comply with the applicable provisions of the Town of Alabama Zoning Laws, New York

State Department of Labor regulations, and the Emergency Planning and Community Right-to-Know Act. Hazardous materials shall not be stored at any locations at the Project Site without the user of such materials first providing a Hazardous Materials Inventory Statement to the Town of Alabama Fire Department and all other local emergency service agencies. Lastly, all nanotechnology manufacturing facilities to be located at the Project Site shall comply with applicable USEPA, OSHA, and NIOSH requirements.

13. The main Project Site access road (proposed to be constructed to State Route 63/77 at 70% build-out) shall be constructed by the Project Sponsor to State Route 63/77 prior to completion of the first development project at STAMP.
14. A right turn lane shall be constructed on the eastbound Judge Road approach of the New York Route 77/New York Route 63 intersection. This intersection, and the New York Route 77/Ledge Road intersection, shall be monitored for the potential installation of traffic signals during Phase 1 of the Project.
15. Before the 70% threshold for the Project is reached, a bypass road shall be constructed to the Project Site from New York Route 77/63 Overlap just north of Ham Road to New York Route 77 at the existing location of the intersection of Crosby Road. Designating the bypass road as Route 77 and re-designating existing New York Route 77 through the Hamlet of Alabama shall be completed.
16. Two (2) driveways on New York Route 77; two (2) driveways on Judge Road; and two (2) driveways on New York Route 77/63 Overlap (in addition to the bypass road curb cuts) shall be completed.
17. Traffic capacity improvements shall also be completed at the following off-site intersections in accordance with the recommendations of the Traffic Impact Study and NYSDOT requirements:
    - New York Route 77/New York Route 63/Judge Road
    - New York Route 77/Bloomingdale Road
    - New York Route 77/Ledge Road
    - New York Route 77/Akron Road
    - New York Route 77/I-90 Exit 48A
18. For each individual project that is proposed on the STAMP site, the applicant shall provide the Town with the estimated daily and peak hour traffic generation of the project accumulated with traffic counts from previously approved STAMP projects.
19. To ensure that no additional potential traffic impacts result from the Project that are not anticipated at the time of this Findings Statement, a supplemental traffic analysis shall be conducted by the Project Sponsor throughout build-out of the Project when the following thresholds are met:
    a. When Phase I (or 1 million square feet of building) is developed or when cumulative peak hour trips generated by the Project equals at least 750 trips during either the AM or PM peak hour, whichever happens first;

b. When the Project reaches 70% build-out (4.27 million square feet) or when cumulative peak hour trips generated by the Project equals at least 1,925 trips during either the AM or PM peak hour, whichever happens first.

The supplemental analysis shall focus on the following intersections:

- New York Route 77/New York Route 63/Judge Road
- New York Route 77/Bloomindale Road
- New York Route 77/Ledge Road
- New York Route 77/Route 63/Lewiston Road

20. The Project Sponsor shall assure that degradation of Town owned and maintained roadways resulting from traffic volumes and/or vehicle classifications brought on by the STAMP Project shall be repaired at no cost to the Town and shall enter into an appropriate road use/ repair agreement with the Town of Alabama and/or explore the conversion of Crosby Road and the portion of Judge Road between the Tonawanda Seneca Nation and State Route 77/63 to Genesee County owned and maintained roadways.
21. Since several Project Site driveways are proposed to access Crosby Road and because the Town of Alabama (current owner of this road) feels this road is under-built for handling the additional traffic volumes and vehicles classifications brought on by this Project, the Project Sponsor shall improve Crosby Road to the expectations of the owner, unless otherwise agreed upon, at no cost to the Town.
22. All interior roads built within the Project Site shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP, and not be the responsibility of the Town of Alabama. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to construction of interior roadways.
23. The Project Sponsor shall include the Town of Alabama in any discussions with the New York State Department of Transportation and/or Genesee County Highway Department regarding improvements to roadways within the Town of Alabama as a result of the STAMP Project.
24. The Project Sponsor shall undertake efforts to complete to the maximum extent practicable the following land use and zoning plan goals:
    a. Negotiation of an incentive zoning agreement pursuant to which GCEDC in exchange for providing certain public amenities to the Town will receive a re-zoning of the Project Site to the Technology Zoning District identified in Section 6.7 of the DGEIS.
    b. Amendment to the Comprehensive Plan for the Town of Alabama to provide for the development of the Project consistent with the other planning goals of the Town and Village, but accepting the vision of the Project's goal of developing a world-class high technology manufacturing center with a focus on renewable energy.
    c. Adoption of one or more of the strategies found in the FPSR by the Town of Alabama.

25. An Incentive Zoning Agreement between the Project Sponsor and the Town of Alabama shall provide that the Project Sponsor will assist the Town of Alabama, as necessary, to ensure that the following measures are completed in a timely fashion: (1) revising and updating the Comprehensive Plan and Smart Growth Plan to provide for the development of the Project consistent with the planning goals of Genesee County, the Town of Alabama, Town of Oakfield, and the Village of Oakfield, and reflecting the Project goal of developing a world class high technology manufacturing center on the subject property; (2) creating new zoning districts; (3) undertaking any required zoning and/or subdivision revisions; and (4) implementing one or more strategies in the Farmland Protection Strategies Report (FPSR). This agreement shall be in place prior to the commencement of any site development on the STAMP site.
26. The following measures shall be developed in furtherance of securing certain utility resources for the Project:
    a. Implementation (as applicable and necessary) of the recommendations identified in the Water Service Preliminary Report attached as Appendix N to the DGEIS.
    b. Implementation (as applicable and necessary) of the recommendations identified in the Sewer Service and Wastewater Treatment Facility Preliminary Report set forth in Appendix O of the DGEIS.
    c. Completion of the proposed gas distribution plan set forth in the Gas Service Analysis attached as Appendix P to the DGEIS.
    d. Procurement of Telecommunications Services as needed for the Project Site.
27. The Project Sponsor, pursuant to the terms of the Incentive Zoning Agreement, shall cover the full cost of installation of the water infrastructure described in the Town's Public Water Feasibility Study at the earliest time practicable once all necessary approvals for the water project have been issued, including formation of necessary water districts, and once installation of the water infrastructure is complete, ownership of the water infrastructure shall be transferred to the Town of Alabama at no cost to the Town.
28. The wastewater treatment facility and all associated wastewater infrastructure shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP. Ownership and maintenance of the wastewater treatment facility and associated infrastructure shall not be the responsibility of the Town of Alabama unless otherwise negotiated with the Town. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to construction of wastewater facilities and commencement of site development.
29. The Project Sponsor shall request that any communications service providers for the initial phase of the STAMP Project install broadband communications infrastructure in a manner that would facilitate expansion of such service to other portions of the Town of Alabama.
30. The Project Sponsor shall cover the cost of any emergency service impact studies, which includes emergency response to technology industry proposed to be located on the Project Site.
31. The Project Sponsor shall ensure that each actual technology manufacturing facility completes a facility-specific emergency services impact study that is consistent with the

findings of the emergency service impact study. Copies of each individual facility-specific study shall be provided to the Town of Alabama and all local emergency service providers.

32. In order to ensure that emergency service responders are adequately prepared for the potential unique needs of a future use, a facility-specific emergency services impact study (as described above in Section 7.9.2) shall be prepared for each actual technology manufacturing facility to be located at the Project Site and submitted to an informal committee composed of local and county emergency response representatives to review and provide input on such studies. Moreover, to ensure the adequacy of these future studies, a baseline study shall be completed to determine the current baseline levels of services provided by local and county emergency service providers.
33. The recreational trail system shall be owned and maintained by the Project Sponsor or other government agency, or by a landowner association formed to represent STAMP. Ownership and maintenance of the recreational trail system shall not be the responsibility of the Town of Alabama unless otherwise negotiated with the Town. Proof of such ownership and maintenance agreement shall be provided to the Town of Alabama prior to commencement of trail development.
34. The recreational trail system shall be open and available for public use.
35. A Phase 1B field investigation of potential historic and/or archeological resources located at the Project Site shall be completed prior to any Future Project Use being located at the Project Site. Mitigation measures proposed by the Phase 1B field investigation shall be complied with, subject to the applicable criteria set forth by the NYOPRHP, and may include realignment of structures, impervious services, and other development features as needed.
36. The Incentive Zoning Agreement between the Project Sponsor and the Town of Alabama shall provide that the Project Sponsor will assist the Town with the implementation of one or more strategies identified in the Farmland Protection Strategies Report, as determined by the Town.
37. The Project is likely to result in additional residential development throughout the Town. Under current zoning provisions, this residential development will likely take the form of large lot frontage development occurring along existing roads that, in time, becomes more detrimental to the rural/ agricultural character of the Town than clustering residential development would. The Town will revise zoning and subdivision standards to reform how future residential development will be handled.
38. The Project Sponsor shall cover the cost of an economic impact study for the Town of Alabama as it relates to the project.

The Town of Alabama, as an involved agency, has determined that compliance with the mitigations and conditions of this Findings Statement shall avoid, mitigate and/or minimize to the maximum extent practicable, any potential adverse environmental impacts associated with the Project and/or Future Project Uses.

11.3 Threshold Criteria

Future Project Uses which do not exceed or that conform to any of the following thresholds shall be considered to have been addressed by this Findings Statements, and would not require any further review pursuant to SEQR:

- Maximum buildable site area established by the Preferred Alternative: 599.0 acres.
- Maximum building square footage established by the Preferred Alternative: 6,130,000 square feet.
- Wetland impacts and mitigation requirements established in the Preferred Alternative and described in Section 6.2.2 of the DGEIS.
    - Maximum wetland impacts: 9.54 acres
    - Minimum existing wetlands to be enhanced, restored and protected: 112 acres
- Technology Zoning District regulations established by the Town of Alabama.
- Traffic trip generation exceeding 70% of projected trips at Full Build-Out as defined in the Traffic Impact Study (Appendix I of the DGEIS): Maximum of 1,925 trips during the PM peak hour.
- Utility loads at Project build-out established by the Preferred Alternative:
    - Water: 3,000,000 gallons per day
    - Sewer: 3,000,000 gallons per day
    - Electric Power: 185 megawatts
    - Natural Gas: 318,600 cubic feet per hour

Future Project Uses which exceed or which do not conform to any of the conditions or thresholds listed above shall not be considered to have been addressed by this Findings Statement and must be evaluated by the Town of Alabama Planning Board and Town of Alabama Town Board as to whether an additional SEQR determination and/or review is necessary.

Certification of Findings to Approve:

Having considered the 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 weighing and balancing the relevant impacts with social, economic, and other considerations, this Statement of Findings certifies that:

1. The Town of Alabama Town Board has considered the relevant environmental impacts, facts, and conclusions disclosed in the DGEIS and the FGEIS and their supporting materials;
2. The Town Board will continue to weigh and balance the relevant environmental impacts with social, economic, and other considerations;
3. The requirements of 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]) have been met; and,
4. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action to be carried out is the one that avoids or minimizes, to the maximum extent practicable, adverse environmental impacts disclosed in the DGEIS and FGEIS, and that adverse environmental impacts will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to this decision, those mitigating measures that were identified as practicable.

Filing:

The Town's designees are hereby directed to file and distribute this Findings Statement as required by 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

Certification:

These Findings were adopted by majority vote of the Town of Alabama Town Board at a duly called meeting held on August____, 2012.

Town of Alabama Town Board
Name of Agency

	Daniel Mangino
Signature of Responsible Official	Name of Responsible Officer
Town Supervisor	**August____, 2012**
Title of Responsible Official	Date

2218 Judge Road, Oakfield, NY 14125
Address of Agency