



Buffalo and Erie County Industrial Land Development Corporation
Board of Directors Meeting
October 28, 2020
@ 11:30 a.m.

Via Conference Call and Meeting is being Livestreamed

- 1.0 Call to Order**
- 2.0 Approval of Minutes**
 - 2.1 Approval of the September 23, 2020 minutes of the Board of Directors (Action Item) (Pages 2-4)
- 3.0 Reports / Action Items / Information Items:**
 - 3.1 Financial Report (Informational Item) (Pages 5-8)
 - 3.2 Finance & Audit Committee Update (Informational)
 - a) 2021 Budget Timetable (Informational) (Page 9)
 - b) Approval of 2021 Budget (Action Item) (Pages 10-13)
 - 3.3 Approval of Adoption of Environmental Impact Finding Statement (Action Item) (Pages 14-33)
 - 3.4 Purchase Sale Agreement for Bethlehem Steel Phase II (Informational Item)
- 4.0 Management Team Report:**
- 5.0 Adjournment - Next Meeting November 18, 2020 at 1:00 p.m.**

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS
OF THE
BUFFALO AND ERIE COUNTY
INDUSTRIAL LAND DEVELOPMENT CORPORATION
(ILDC)**

DATE AND PLACE: September 23, 2020, held via telephone conference. Governor Cuomo’s Executive Order 202.1, as amended from time to time, issued in response to the Coronavirus (COVID-19) crisis, suspended Article 7 of the Public Officers Law to the extent necessary to permit any public body to take actions without permitting in public in-person access to such meetings and authorized such meetings to be held remotely by conference call or other similar service, provided the public has the ability to view or listen to such proceedings and that the meeting is recorded and transcribed.

LIVE STREAMED: This Board meeting is being live-streamed and made accessible on the Erie County Industrial Development Agency website at www.ecidany.com.

PRESENT: Hon. April Baskin, Denise Abbott, Hon. Howard Johnson, Richard Lipsitz, Jr., Hon. Mark C. Poloncarz and Maria Whyte

EXCUSED: Hon. Byron W. Brown

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Atiqah Abidi, Assistant Treasurer; Karen M. Fiala, Assistant Treasurer/Secretary; Dawn Boudreau, Director of Compliance; Beth O’Keefe, Business Development Officer; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Lori Szewczyk, Director of Grants; Robbie Ann McPherson, Director of Marketing and Communications; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC

GUESTS: Andrew Federick, Erie County Senior Economic Development Specialist

There being a quorum present at 1:27 p.m., the Meeting of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation was called to order by its Chair, Mr. Poloncarz.

MINUTES

Upon motion made by Mr. Lipsitz and seconded by Mr. Johnson to approve of the August 26, 2020 minutes. Mr. Poloncarz called for the vote and the minutes were unanimously approved.

REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Profic presented the August 2020 financial report. Ms. Profic noted that the balance sheet indicates the ILDC finished the month with total assets of \$9.4 million and net assets of \$7.1 million. The monthly income statement shows income of \$800 and expenses of \$4,800. Under Special Projects, there was net revenue of \$2,000. Overall there was net loss of \$2,000 for August. The year-to-date income statement shows revenues of \$4,200 and total expenses of \$64,000, plus net special project income of \$870,000, resulting in net income of \$810,000 so far in 2020. Mr. Poloncarz directed that the report be received and filed.

Finance and Audit Committee Update. Ms. Profic gave a report to the members on the joint Finance & Audit Committee meeting held on September 16, 2020 and noted that there will be two voluntary Board Q&A educational sessions that will be held on October 2 and October 6. The Committee voted to recommend the proposed 2021 budgets of all three entities, subject to changes of greater than \$100,000 on any one budget line. If there are additional adjustments to the budgets that need to be reviewed, the Committee will convene in October. Ultimately, the Board will be asked to take action on the budget in October for submission to the ABO by the November 1 deadline. The Committee also approved the retention of Freed Maxick as independent auditors for the ECIDA, RDC and ILDC 2020 financial statement audits.

Ms. Profic reviewed ILDC's proposed budget for 2021 and explained the changes to the budget for 2021. Revenue is budgeted at \$263,000. Loan interest income of \$4,500 is projected based on loans in the pipeline. There is \$250,000 budgeted from the sale of land, and \$9,000 of other income, which is license fees at the Angola Ag Park. As in the past, any bond issuances in the budget are not included in the budget. The budgeted amounts for ECIDA management fee and professional services for audit and legal fees has been increased. These are reflective of increases in overall salary/benefit costs, and the recent and pending land acquisitions by the ILDC. The Special Project revenue and expenses budgeted for 2021 includes \$1.5 million from the Buffalo Billion II grant for the second phase of land purchase in Lackawanna as well as \$200,000 and \$100,000 are budgeted from ECIDA's UDAG fund for carrying costs related to the Bethlehem Steel and Angola Ag Park land, respectively. There is also \$2.95 million of offsetting grant revenue and expense related to grants from EDA (\$2.5 million for Beth Steel infrastructure), National Fuel (\$250k for Agribusiness Park) and ESD (\$200k for Agribusiness Park). This leads to budgeted income of \$1.6 million for 2021. Mr. Poloncarz directed that the report be received and filed.

Approval of Final Generic Environmental Impact Statement (“FGEIS”) for the Master Plan for Bethlehem Steel Property. Mr. Cappellino reviewed the FGEIS for the master plan for the Bethlehem Steel property. Upon motions made by Ms. Whyte, and seconded by Mr. Lipsitz, the following resolution was then unanimously approved:

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION ACCEPTING THE FINAL
GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE
ADVANCED MANUFACTURING PARK INFRASTRUCTURE MASTER
PLAN

Management Team Report. Mr. Cappellino provided the management team report. Mr. Poloncarz directed that the report be received and filed.

There being no further business to discuss, Mr. Poloncarz adjourned the meeting at 1:41 p.m.

Dated: September 23, 2020

Karen M. Fiala, Secretary

Industrial Land Development Corp.

Financial Statements

As of September 30, 2020

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Balance Sheet

September 30, 2020

	September 2020	August 2020	December 2019
ASSETS:			
Restricted Cash *	\$ 198,736	\$ 182,679	\$ 207,639
Grants Receivable	2,273,084	2,273,084	1,919,084
Other Receivable	3,295	4,394	125,000
Loans Receivable, net	39,420	40,571	36,562
Loan Interest Receivable	-	-	70
Deposit on Land Purchase	-	-	155,638
Total Loan Assets	<u>2,514,535</u>	<u>2,500,727</u>	<u>2,443,992</u>
Capital Assets	6,859,465	6,859,680	5,862,958
Total Assets	<u>\$ 9,374,000</u>	<u>\$ 9,360,407</u>	<u>\$ 8,306,950</u>
LIABILITIES & NET ASSETS:			
Accounts Payable	\$ -	\$ -	\$ 8,844
Due to/(from) ECIDA	231,788	226,954	250,630
Other Liabilities	2,053,470	2,063,533	1,787,558
Total Liabilities	<u>2,285,258</u>	<u>2,290,487</u>	<u>2,047,032</u>
Restricted Fund Balance	<u>7,088,742</u>	<u>7,069,920</u>	<u>6,259,918</u>
Total Liabilities & Net Assets	<u>\$ 9,374,000</u>	<u>\$ 9,360,407</u>	<u>\$ 8,306,950</u>

Loan Portfolio Summary:	September 2020	August 2020	December 2019
# of Loans	<u>3</u>	<u>3</u>	<u>3</u>

* Cash is invested in interest bearing accounts at M&T Bank.
The maximum FDIC insured amount is \$250,000 with the remainder collateralized with government obligations by the financial institution.

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Income Statement

Month of September 2020

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Interest Income - Loans	\$ 65	\$ 19	\$ 46
Interest Income - Cash & Inv.	1	1	(0)
Proceeds from Land Sales	-	20,833	(20,833)
Other Income	382,800	-	382,800
Total Revenues	<u>382,866</u>	<u>20,853</u>	<u>362,013</u>
EXPENSES:			
Management Fee - ECIDA	\$ 386,883	\$ 4,833	382,050
Professional Services	8,639	4,425	4,214
General Office Expenses	-	50	(50)
Other Expenses	278	73	206
Total Expenses	<u>395,801</u>	<u>9,381</u>	<u>386,419</u>
SPECIAL PROJECT GRANTS:			
Industrial Land Park - ESD	10,067	146,250	(136,183)
Industrial Land Park - ECIDA	40,000	16,667	23,333
Angola Ag Park - ECIDA Grant	12,356	8,333	4,023
Other grant revenue	-	2,083	(2,083)
Industrial Land Park grant reimbursement	-	(146,250)	146,250
Industrial Land Park costs	(18,578)	(16,667)	(1,911)
Angola Ag Park grant costs	(12,088)	(8,333)	(3,755)
Other grant expenses	-	(2,083)	2,083
	<u>31,757</u>	<u>(0)</u>	<u>31,757</u>
NET INCOME/(LOSS):	<u>\$ 18,822</u>	<u>\$ 11,472</u>	<u>\$ 7,351</u>

* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on budget.

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Income Statement

Year to Date: September 30, 2020

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Interest Income - Loans	\$ 532	\$ 173	\$ 359	\$ 532	\$ 258	\$ 274
Interest Income - Cash & Inv.	12	8	5	12	12	0
Grant Income	-	-	-	-	155,000	(155,000)
Proceeds from Land Sales	-	187,500	(187,500)	-	-	-
Other Income	386,550	-	386,550	386,550	36,250	350,300
Total Revenues	387,094	187,680	199,415	387,094	191,519	195,574
EXPENSES:						
Management Fee - ECIDA	\$ 425,550	\$ 43,500	382,050	\$ 425,550	\$ 21,600	\$ 403,950
Professional Services	18,815	39,825	(21,010)	18,815	47,660	(28,845)
General Office Expenses	10,189	450	9,739	10,189	-	10,189
Other Expenses	4,934	656	4,278	4,934	811	4,124
Total Expenses	459,488	84,431	375,057	459,488	70,071	389,418
SPECIAL PROJECT GRANTS:						
Industrial Land Park - ESD	63,334	1,316,250	(1,252,916)	63,334	-	63,334
Industrial Land Park - ECIDA	165,000	150,000	15,000	165,000	220,000	(55,000)
Angola Ag Park - ECIDA Grant	860,494	75,000	785,494	860,494	-	860,494
Other grant revenue	24,740	18,750	5,990	24,740	132,676	(107,936)
Industrial Land Park grant reimbursement	-	(1,316,250)	1,316,250	-	-	-
Industrial Land Park costs	(169,638)	(150,000)	(19,638)	(169,638)	(131,559)	(38,080)
Angola Ag Park grant costs	(17,970)	(75,000)	57,030	(17,970)	-	(17,970)
Other grant expenses	(24,740)	(18,750)	(5,990)	(24,740)	(132,676)	107,936
	901,219	-	901,219	901,219	88,441	812,778
NET INCOME/(LOSS):	\$ 828,825	\$ 103,249	\$ 725,577	\$ 828,825	\$ 209,890	\$ 618,934

* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on budget.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (ECIDA)
 BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORP (RDC)
 BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORP (ILDC)**

2021 Budget Review Process

<u>Date</u>	<u>Description</u>	
July-August	Review of draft 2021 budgets by ECIDA management. (a) Prioritize any proposed budget requests for initiatives. (b) Formal budget requests compiled.	✓
August 18 th	Finance & Audit Committee meeting – initial review of proposed budgets.	✓
September 16 th	Finance & Audit Committee meeting to discuss any updates/recommend proposed budgets to Boards.	✓
September 23 rd	Review of 2021 draft budgets at Board meetings.	✓
October 2 nd at 10:00 a.m.	Board Q&A budget session #1 (voluntary).	✓
October 6 th at 2:00 p.m.	Board Q&A budget session #2 (voluntary).	✓
October	Adjustments to budget based on Board feedback and Finance & Audit Committee approval of final budgets (<i>if necessary</i>).	
October 28 th	Board meeting – action to approve final 2021 budgets.	
November 1 st	Deadline for final approved budget to be submitted to the ABO.	

Industrial Land Development Corp
2021 Proposed Budget

Industrial Land Development Corporation (ILDC)

2021 Budget + 3 Year Forecast

The Industrial Land Development Corporation (“ILDC”) consists of two sub-funds (Erie County’s Business Development Fund (“BDF”) and a general fund. The ILDC administers the BDF microloan fund on behalf of Erie County for HUD-eligible small businesses that would not otherwise be able to obtain such financing from commercial sources. The ILDC also issues tax-exempt bonds on behalf of various not-for-profit organizations in Erie County.

A. Overview of Changes in 2021 Budget:

A summary of the key changes between the 2021 budget and the projected 2020 results:

- The Erie County BDF microloan fund has been reprogrammed into a loan/grant program in the wake of the COVID-19 pandemic, and an increase in recipients under this program is expected in 2021.
- The ECIDA Management Fee represents a fee charged by the ECIDA for services that its employees provide, since ILDC has no employees of its own. The fee is expected to decrease by approximately \$13,000 due to anticipated decreases in time spent on ILDC projects by ECIDA staff.
- Land owned by the ILDC has increased in 2020 with the acquisition of 242 acres in the Town of Evans, NY. Professional services consist of legal, consulting, and auditing costs, and are budgeted to increase by about \$28,000 or 54% in 2021. This is due to the legal costs associated with land owned and environmental consulting costs anticipated in 2021. Development and marketing costs are expected to increase in 2021 as well, with the intent to sell property that is owned in both Evans and Lackawanna, NY.
- The Special Projects section of the budget relates to grants. ILDC expects to recognize \$1.55 million from Empire State Development in 2021 to offset the cost of purchasing the additional land at the former Bethlehem Steel site. A total of \$300,000 is budgeted to be used in 2021 for carrying costs related to the Bethlehem Steel and Agribusiness Park properties, which will be granted by ECIDA’s UDAG fund. Other grant revenue consists of \$2.5 million for infrastructure at the Bethlehem Steel site and \$450,000 for the Agribusiness Park.

B. Summary of Risk Factors impacting the 2021 Budget:

The following significant risk factors may influence the 2021 budget:

1. Due to numerous uncertainties, the value of collateral, guarantees, etc., the ILDC may experience loan losses that are currently not included in the budget.
2. In the past, the ILDC has generated fee income from issuing tax-exempt debt. These monies are received directly by ILDC and then paid to ECIDA. However, due to the infrequent nature of these activities, and the uncertainty as to when such transactions will occur, ILDC has not included any bond closings in the 2021 budget. It is possible a tax-exempt bond is issued within the next year and both income and expenses will be recognized, accordingly.

BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")
Proposed Budget for 2021

	Proposed Budget 2021	Approved Budget 2020	Projected 2020	Actual 2019
REVENUES:				
Interest Income - Loans	\$ 4,500	\$ 230	\$ 709	\$ 539
Interest Income - Cash & Investments	20	10	16	14
County Contribution Income	-	-	-	170,000
Proceeds from Land Sales	250,000	250,000	-	-
Other Income	9,000	-	389,550	70,041
Total Revenues	263,520	250,240	390,275	240,594
EXPENSES:				
ECIDA Management Fee*	\$ 60,000	\$ 58,000	455,050	\$ 61,471
Professional Services	80,000	53,100	63,167	39,660
Development & Marketing Expenses	25,000	600	9,436	-
Other Expenses	2,375	875	6,024	3,897
Total Expenses	167,375	112,575	533,678	105,028
SPECIAL PROJECTS:				
Industrial Land Park purchase - ESD grant	1,555,000	1,755,000	200,000	-
Industrial Land Park carrying costs - ECIDA grant	200,000	200,000	125,000	220,000
Angola Ag Park carrying costs - ECIDA grant	100,000	100,000	920,494	-
Other grant revenue	2,950,000	25,000	32,560	156,974
Industrial Land Park grant reimbursement	-	(1,755,000)	-	(375,000)
Industrial Land Park grant costs	(200,000)	(200,000)	(294,715)	(132,889)
Angola Ag Park grant costs	(100,000)	(100,000)	(7,053)	-
Other grant expenses	(2,950,000)	(25,000)	(32,560)	(906,974)
Workforce Retention Fund	-	-	-	500,000
	1,555,000	-	943,725	(537,889)
NET INCOME/(LOSS) BEFORE DEPRECIATION:	\$ 1,651,145	\$ 137,665	\$ 800,322	\$ (402,323)
Depreciation	350	-	350	325
NET INCOME/(LOSS):	\$ 1,650,795	\$ 137,665	\$ 799,972	\$ (402,648)

* Represents an allocation of salary and benefit costs from the ECIDA based on staff time charged to the ILDC.

BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")
Proposed Three Year Forecast 2022-2024

	Proposed Budget 2021	Forecast 2022	Forecast 2023	Forecast 2024
REVENUES:				
Interest Income - Loans	\$ 4,500	\$ 4,500	\$ 4,725	\$ 4,489
Interest Income - Cash & Investments	20	25	25	25
Proceeds from Land Sales	250,000	250,000	250,000	200,000
Other Income	9,000	-	-	-
Total Revenues	263,520	254,525	254,750	204,514
EXPENSES:				
ECIDA Management Fee*	\$ 60,000	\$ 55,000	\$ 55,000	\$ 55,000
Professional Services	80,000	50,000	50,000	50,000
Development & Marketing Expenses	25,000	15,000	15,000	15,000
Other Expenses	2,375	2,500	4,000	5,000
Total Expenses	167,375	122,500	124,000	125,000
SPECIAL PROJECTS:				
Industrial Land Park purchase - ESD grant	1,555,000	-	-	-
Industrial Land Park carrying costs - ECIDA grant	200,000	200,000	-	-
Angola Ag Park carrying costs - ECIDA grant	100,000	100,000	-	-
Other grant revenue	2,950,000	-	-	-
Industrial Land Park grant costs	(200,000)	(200,000)	-	-
Angola Ag Park grant costs	(100,000)	(100,000)	-	-
Other grant expenses	(2,950,000)	-	-	-
	1,555,000	-	-	-
NET INCOME/(LOSS) BEFORE DEPRECIATION:	\$ 1,651,145	\$ 132,025	\$ 130,750	\$ 79,514
Depreciation	350	350	350	350
NET INCOME/(LOSS):	\$ 1,650,795	\$ 131,675	\$ 130,400	\$ 79,164

* Represents an allocation of salary and benefit costs from the ECIDA based on staff time charged to the ILDC.



MEMORANDUM

October 28, 2020

To: Members of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation

Re: Acceptance of the SEQRA Findings Statement

The Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) engaged the services of AECOM to develop a Masterplan and a Generic Environmental Impact Statement (“GEIS”) for the redevelopment of 240 acres of the former Bethlehem Steel site. The Masterplan and GEIS focus on the road, utility and parcel layouts and the associated environmental impacts of the proposed development at full buildout. As part of the process the ILDC has held two public meetings to receive input from the public, interested agencies and involved agencies on the Masterplan and environmental review. The ILDC accepted the Draft GEIS and thereafter held a public hearing on June 29th, and comments received have been reviewed and addressed in the Final GEIS as appropriate. The ILDC voted to accept the Final GEIS on September 23rd, 2020. Note that the Final GEIS sets forth some of the specific conditions and criteria under which future actions will be undertaken, and provides that individual and site-specific impacts that have not been addressed adequately or analyzed within the Final GEIS may be subject to additional environmental review.

After posting the Final GEIS and notifying the interested and involved agencies, the ILDC can now adopt the required Findings Statement which is the last step in the GEIS process. The Findings Statement certifies that all requirements under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (“SEQRA”) have been satisfied, that the Master Plan, as proposed, is one that minimizes or avoids adverse environmental effects to the maximum extent practicable, and that adverse environmental effects revealed in the Final GEIS process will be minimized or avoided by incorporating mitigating measures which have been identified as practicable.

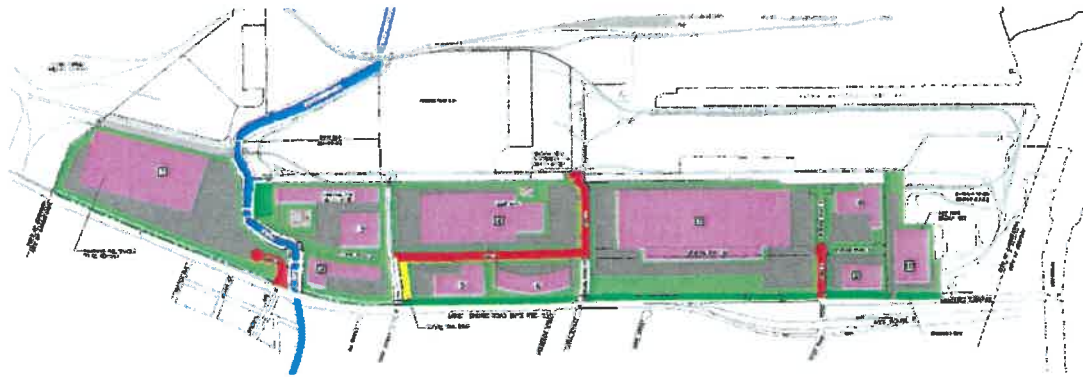
As a result, the SEQRA Findings Statement has been prepared and is ready to be adopted by the ILDC.

Requested ILDC Action:

Seeking approval to adopt the Findings Statement as required by 6 N.Y.C.R.R. Part 617.11 of the SEQRA regulations and to submit copies to all involved agencies, as well as to any individual requesting a copy.

**New York State Environmental Quality Review Act
Lead Agency Findings Statement
for the
ADVANCED MANUFACTURING PARK – INFRASTRUCTURE
MASTER PLAN**

City of Lackawanna
County of Erie, New York



Lead Agency and Project Sponsor:
Buffalo and Erie County Industrial Land Development Corporation

Contact:
President and CEO, John Cappellino
95 Perry Street, Suite 403
Buffalo, New York 14203
(716) 856-6525

October 28, 2020

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NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT
BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT
CORPORATION

FINDINGS STATEMENT

This document is a Findings Statement prepared pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”) by the Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”) as Lead Agency for the proposed Advanced Manufacturing Park Infrastructure Master Plan (the “Project”).

This Findings Statement draws upon the matters set forth in the SEQRA record including the Generic Environmental Impact Statement consisting of the Draft Generic Environmental Impact Statement (“DGEIS”) accepted by the ILDC on May 27, 2020, the Final Generic Environmental Impact Statement (“FGEIS”) accepted by the ILDC on September 23, 2020, as well as the public and agency comments on the DGEIS received at the June 29, 2020 public hearing and during the public comment period which was conducted from June 10, 2020 through July 9, 2020 (collectively, the DGEIS and the FGEIS are referred to as the “GEIS”).

The purposes of the GEIS is to identify and evaluate the potential significant adverse environmental impacts of the Project, compare reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable while weighing the substantial potential social and economic benefits of the Project.

1.0 DESCRIPTION OF ACTION

The Project Site consists of approximately 244-acres of the former Bethlehem Steel Corporation (BSC) steel plant located at 2303 Hamburg Turnpike (west side) in the City of Lackawanna (City) between its borders with the City of Buffalo to the north and the Town of Hamburg to the south (the “Project Site”). The Project Site is comprised of tax map parcel SBL 141.11-1-48-13, and a portion of tax map parcel SBL 141.11-1-48.11. The ILDC has purchased (or is in the process of purchasing) from Tecumseh Redevelopment, Inc. (“Tecumseh”) the portions of the former BSC steel plant known as Business Park I and Business Park II, within the City’s larger planning area referred to as the Bethlehem Steel Redevelopment Area (“BSRA”). The Project Site consists of approximately 244 acres, of which the ILDC currently owns approximately 154 acres and is in the process of purchasing approximately 90 acres from Tecumseh. In December 2019, the ILDC conveyed 24 acres off Dona Street to Time Release Properties, LLC for the purpose of constructing a manufacturing facility.

The Project Site is principally vacant and unoccupied by buildings. However, in the past the Project Site was developed with numerous buildings and structures utilized by BSC as part of its steel plant operations. With the exception of one building, all the former steel plant facilities

have been demolished on the Project Site. The one building exception is an approximately 18,000 square foot vacant building (former locomotive repair shop) which is located on Lot 4. Other built features on-site include internal access roads, newly constructed Dona Street, the Bethlehem Shoreline Trail recreation path, relocated South Buffalo Railway tracks, overhead electric, water, and sewer services, and a natural gas pipeline owned by National Fuel Gas. However, numerous foundations and subsurface structures remain below the surface. Also located within the bounds of the Project Site are two electrical substations on out-parcels totaling approximately 1.4 acres, which are not included in the ILDC's 243.7-acre Project Site.

In May 2020, the Buffalo and Erie County Industrial Land Development Corporation (ILDC) completed the DGEIS and Infrastructure Master Plan to guide development of the ILDC Advanced Manufacturing Park on a portion of the former BSC steel plant in Lackawanna, New York (the "Master Plan").

The Project will result in the installation of streets, water, sewer, stormwater management facilities, and private utilities in support of the future build-out of one or more individual development lots to be located on the Project Site for a mix of commercial, business, and light and medium intensity manufacturing and industrial facilities. The number of development lots that will ultimately be created and sold remains to be determined, depending on market demand. Thresholds and standards for future development have been established to ensure that private development and state or municipal decisions proceed in accordance with the Master Plan and within the parameters established by this GEIS.

The Project also included the City of Lackawanna's review of the Master Plan for consistency with requirements of the City's subdivision regulations, zoning code, and consistency with the applicable policies and recommendations in the City's Local Waterfront Revitalization Program (LWRP) and Brownfield Opportunity Area (BOA) plan. Approval of the conceptual site plans was granted by the City Planning Board in June 2019.

The Master Plan was prepared to support an application for Shovel Ready Certification under the Build Now New York Program as a Multi-Tenant Business and Technology Park. The Shovel Ready Certification Application is anticipated to include the following elements:

- Shovel Ready Self-Evaluation Checklist,
- Shovel Ready Certification Application, and
- Assembly of the necessary documentation to complete Section 2 of the Checklist including the following:
 - Infrastructure Master Plan and conceptual approval from the municipality.
 - State Historic Preservation Office review and sign off
 - Floodplain boundaries and mapping
 - U.S. Fish & Wildlife Service consultation

- SEQRA compliance including GEIS and Findings Statement
- Site Survey
- Soil Survey map
- Preliminary SWPPP
- Traffic Impact Study
- Wetlands Mapping

2.0 PUBLIC NEED AND BENEFIT

Pursuant to the SEQRA process, it is required that the Lead Agency and other Involved Agencies determine if the Project will result in any potential significant, unavoidable adverse environmental impacts. Each agency must evaluate and balance the public need and other social and economic benefits of the Project against the identified environmental impacts. Knowledge of the public need for a Project, and its intended benefits, assists the agencies in deciding whether any significant and unavoidable environmental impacts are justified.

A primary purpose of the Project is to support certification of the ILDC Advanced Manufacturing Park under the New York State Shovel Ready Certification Program. Implementation of the Master Plan to redevelop the Project Site as a Multi-Tenant Business and Technology Park will facilitate the creation of jobs in the local economy. The ILDC Advanced Manufacturing Park will provide a unique location to redevelop an underutilized and vacant former heavy industrial site with modern light and medium manufacturing uses consistent with the City’s Comprehensive Plan Update (2017), BOA Implementation Strategy (2018), and the NY Downtown Revitalization Initiative.

Implementation of the Master Plan and build-out of the future development lots will provide benefits to the City, County and region. The Project will facilitate quicker environmental cleanup of the Project Site. The Project will facilitate extension of the Bethlehem Shoreline multi-use path. Implementation of the infrastructure improvements will provide improved road and utility access to the remaining former BSC property and facilitate redevelopment. Redevelopment in conformance with the City’s design standards will provide visual and aesthetic improvement. The primary benefits to the community from the Project will be to serve as a catalyst for economic development; creating temporary and full-time jobs, stimulating secondary economic benefits to local businesses, and returning the Project Site to productive use.

3.0 ILDC JURISDICTION AND SEQRA PROCESS

The ILDC, as the Lead Agency pursuant to SEQRA, issued a Positive Declaration on October 23, 2019, requiring the preparation of a GEIS. The DGEIS was accepted as complete on May 27, 2020, and copies of the DGEIS were subsequently delivered to involved/interested agencies and individuals, and posted to the website, www...

Opportunities for detailed agency and public review were provided during the DGEIS public comment period that was held from June 10, 2020 through July 9, 2020. A public hearing was also conducted by the Lead Agency on June 29, 2020 as a virtual meeting in accordance with the NYS Governor's Executive Orders in place at that time in response the Covid-19 Pandemic regarding the holding public meetings.

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

The FGEIS was issued by the ILDC on September 23, 2020 and a Notice of Completion of the FGEIS was forwarded to the Environmental Notice Bulletin for publication on September 30, 2020.

4.0 DATE FINAL ENVIRONMENTAL IMPACT STATEMENT ISSUED

The FGEIS was issued by the ILDC on September 23, 2020.

5.0 FACTS AND CONCLUSIONS RELIED ON TO SUPPORT FINDINGS STATEMENT

The conclusions set forth in this Findings Statement consider the relevant environmental impacts, facts and conclusions disclosed in the GEIS; weigh and balance relevant environmental impacts with social, economic, and other considerations; and provide a rationale for the ILDC's decision regarding the potential significant adverse environmental impacts associated with the Project, and the mitigation measures to be implemented to reduce and/or minimize such impacts to the maximum extent practicable.

This Findings Statement also certifies that the requirements of 6 N.Y.C.R.R. Part 617 have been met, and certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives evaluated, the action chosen is the one which avoids or minimizes potential adverse environmental impacts to the maximum extent practicable, while at the same time maximizing the social and economic benefits provided by the Project, and that potential adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions those mitigation measures that were identified as practicable.

The findings contained herein are based on the full record of the proceedings and submissions that were presented to the ILDC and included as part of its administrative record. The potential significant adverse environmental impacts reviewed in the GEIS, the analysis conducted related to each potential impact, and the required mitigation and conditions, as applicable, are summarized below.

5.1 Project Alternatives Considered

Section 617.9(b)(5)(v) of the SEQRA 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 SEQRA 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:

1. Preferred Alternative: The preferred alternative is the implementation of the Master Plan for the development of an Advanced Manufacturing Park in order to advance the ILDC's economic and community development goals. The Preferred Alternative presents the ILDC's objectives to have in place a conceptual design for roads and utilities that can be implemented, in a phased approach as needed, to facilitate the redevelopment of this portion of the former BSC property. The potential impacts of implementation of the Master Plan and future buildout of the development lots (the preferred alternative), are summarized in Section 3 of this DGEIS. Potential impacts have been reduced or mitigated through concept design and the establishment of regulatory requirements.
2. Alternative Sites: Evaluation of alternative sites is limited to properties that are similar in size, condition, and availability. Regarding availability, the ILDC currently owns approximately 154 acres of the Project Site and is in the process of purchasing the remaining 90 acres but, does not own other lands having the unique circumstances afforded to this site. If the ILDC had control of a site of similar size with similar zoning controls, the potential environmental impacts for future development of that alternative site would be similar to implementation of the preferred alternative.
3. Alternative Size and Scale: The Master Plan is designed to be flexible in terms of road and utility layout and lot configuration. If fewer larger lots are assembled and sold, or if more smaller lots are subdivided and sold, the net developable area would be controlled under the same zoning requirements and generally result in the same impacts. Differences under these scenarios may result in the overall length and of public roads and extent of utility installation.
4. Alternative Uses of the Project Site: Under this alternative, land uses other than those proposed by the Project are considered. However, the current zoning and environmental restrictions placed on the BCP sites limit the future use to commercial and industrial facilities; residential uses are not allowed. The ILDC purchased the Project Site with the intent to utilize public resources to facilitate the redevelopment of this former heavy manufacturing site to encourage new job creation. Build-out of the Master Plan best meets the ILDC's goal to construct an advanced manufacturing park as an economic development stimulus project for the City of Lackawanna and the region.
5. No-Action Alternative: Under the No-Action alternative, the Project Site would remain in its existing condition. There would be no further public or private investment in infrastructure improvements. The Project Site would not be subdivided into individual

development lots and would remain vacant and underutilized, resulting in a loss of future economic, employment and fiscal benefits to the community. Remaining environmental remediation activities may not proceed at their current pace or at all. If not maintained, portions of the Project Site would continue to naturally revegetate and increase habitat for local flora and fauna. However, successional vegetation on site may hamper the placement of final clean cover.

The No-Action Alternative would result in economic uncertainties for the property owners and does not meet the ILDC's objectives to obtain shovel ready certification and market the Project Site for development as an advanced manufacturing park. Therefore, it was considered but not selected as the preferred alternative.

5.2 Geology, Soils and Topography

Natural topographic features across the entire Project Site have been previously disturbed as the property was developed over the years for various buildings, roadways, rail, and other facilities on the former BSC steel plant. The entirety of each development lot will be disturbed again as it is developed in order to construct buildings, parking, or landscaped green space. In order to maintain the Certificate of Completions issued under the New York State Brownfield Cleanup Program with respect to certain portions of the Project Site, anywhere the existing 12 inches of clean cover (soil or other material) is breached, penetrated, or temporarily removed, and if any underlying remaining impacted soils are disturbed, the Site Excavation Work Plan (EWP) must be followed, which is included in the respective Site Management Plans (SMPs) applicable to the Project Site. To minimize future disturbance of remaining contaminated soils, clean utility corridors will be installed along the roadways within the 100-foot ROW for water, sewer, drainage, and private utility lines. Impacts to bedrock are expected to be avoided and therefore, no significant adverse impacts are anticipated.

Potential impacts to geology, soils and topographical resources will therefore be avoided, minimized and/or mitigated to the maximum extent practicable with implementation of the requirements set forth herein.

5.3 Water Resources

No surface waters are located within the Project Site. However, the Project Site is bisected by Smokes Creek, which lies within an approximately 150-foot wide corridor owned by Tecumseh. The North and South Return Water Trenches are located west of the Project Site. However, no surface water resources are located within the real property currently owned by the ILDC within the Project Site. During the construction of each phase of property development, the potential exists for silt-laden stormwater runoff from construction areas to enter adjacent surface waters. Adherence to the requirements of State Pollutant Discharge Elimination System General Permit (GP-0-20-001) for the treatment and management of Stormwater Discharges from Construction Activities, and to site-specific Stormwater Pollution Prevention Plans will provide necessary mitigation measures to reduce any adverse impact to surface waters as a result of construction activities during build-out of the individual development lots. A Preliminary Stormwater Pollution Prevention Plan ("SWPPP") has been prepared based on the current Master Plan. The Preliminary SWPPP is appended to the Engineers Report.

No significant adverse impacts to groundwater resources are anticipated from site development and therefore, no mitigation measures are proposed.

Approximately 152 acres of the 244-acre ILDC Project Site are located outside of regulated floodplains and therefore, development in those locations are less likely to be affected by flooding. Approximately 5.4 acres of the Project Site are located in the 100-year floodplain and approximately 88.0 acres of the Project Site are located within the 500-year floodplain. The NYSDEC acquired a permanent easement for flood control purposes, 25 feet from the top of the creek along both sides of Smokes Creek corridor. The easement is within the wider Smokes Creek corridor that will remain in Tecumseh ownership. Potential impacts from development within the 100-year floodplain will be mitigated through compliance with the construction requirements of §230-68 of the City of Lackawanna Code (Flood Development Permits).

No U.S. Army Corps of Engineers-regulated or NYSDEC-regulated wetlands or 100-foot buffer areas are mapped within the Project Site, and no wetlands were observed during the field investigation of the Project Site.

5.4 Air Quality

Impacts to air quality may occur from vehicular exhausts. Based on the traffic impact analysis studies, traffic is not anticipated to exceed the average annual growth rate for the area, and therefore vehicle related emissions impacts are anticipated to be minimal and no potential significant adverse impacts are expected.

During construction, dust may increase but is anticipated to be temporary in nature and will not occur over prolonged periods of time. During construction excavations, if the demarcation layer within the soil is breached (1 foot down), there is the potential that volatile organic compounds and particulates may be exposed. Dust will be controlled by utilizing appropriate best management practices (BMPs), such as mulch, water sprinkling, and wind barriers and the Community Air Monitoring Plan (within the EWP) will be followed if the demarcation layer within the soil is breached.

During the site plan review process, potential air impacts should be identified through the SEQRA Coordinated Review process. Should applicant(s) propose a use that requires a state or federal air permit, or if the proposed use requires air modeling and analysis, adherence to the necessary steps needed to obtain the air permit would be required, including mitigation measures or testing or modelling.

The Project therefore does not present a potential significant adverse impact to the climate or air resources.

5.5 Terrestrial and Ecological Resources

Due to the lack of significant natural communities or rare, threatened or endangered plant species on the Project Site, the implementation of the Master Plan and subsequent site development will not result in significant adverse impacts to natural communities or species. Subsequent build-out

of the individual development lots will result in the retention of approximately 49 acres of greenspace.

Wildlife on and in the vicinity of the Project Site is typical of wildlife found in urban areas in Western New York. Development of the Project Site will result in temporary and permanent impacts to wildlife resources and habitat. Impacts to the federally-threatened northern long-eared bat are not anticipated due to the lack of mature trees on or within the vicinity of the Project Site, and impacts to the peregrine falcon and gulls are anticipated to be temporary in nature. Because it is anticipated that implementation of the Master Plan and future build-out of the individual development lots will not result in significant adverse impacts to existing wildlife or to rare, threatened and endangered species, no mitigation is necessary.

Potential impacts to biological resources will be avoided, minimized and/or mitigated to the maximum extent practicable with implementation of the requirements set forth herein. Moreover, any potential impacts are outweighed by the environmental benefits to be provided by the Project.

5.6 Traffic and Transportation

A Traffic Impact Study (TIS) was completed in 2019 to evaluate the existing local vehicular transportation network and to assess potential impacts the Project could cause on local traffic. In order to quantify potential impacts to the transportation network, the quality of traffic flow was assessed in term of levels of service (LOS). An addendum to the TIS was prepared in September 2020 to provide additional generation and distribution information requested by the NYSDOT. LOS values within the vicinity of the Project Site, after full redevelopment, are anticipated to be higher. However, the LOS changes are due to the forecasted increased traffic on NYS Route 5 and not necessarily the increases associated with the Project.

The following options are suggested to improve the buildout levels of service at study intersections:

- Transportation demand management techniques can be used to reduce the number of vehicle trips generated by the development during the peak hours.
- Consider adding a third southbound lane on NY Route 5 as possible solution.
- The addition of designated left turn and right turn lanes at the Ridge Road / SB NY Route 5 Ramp intersection would likely improve the proposed levels of service.
- The addition of a 200-foot southbound right turn (deceleration) lane at Madison Avenue would likely improve the proposed levels of service.”

Thresholds have been established that will trigger the preparation of a supplement or update to the TIS as future build-out projects are proposed on the individual development lots.

- Any proposal that would cause a LOS of F at the Ridge Road/southbound NY Route 5 ramp intersection will require the addition of designated right turn and left turn lanes at the intersection.
- Any proposal that would cause a LOS of F at the Madison Avenue/NY Route 5 intersection will require the addition of a 200-foot southbound right turn deceleration lane at Madison Avenue.
- Any proposal that would cause a LOS of F at any other intersection in the development area will require proposed mitigation measures as identified in a site-specific traffic study that includes all intersections with an anticipated increase of more than 100 vehicles in a peak hour.

5.7 Brownfield Cleanup Program and Hazardous Materials

The Project Site is comprised of 23 individual NYSDEC-designated Brownfield Cleanup Program (BCP) sites that comprise the areas known as Business Park I and Business Park II. The BCP sites in Business Park I and Business Park II have been remediated in accordance with NYSDEC standards or are slated for remediation in accordance with their respective Brownfield Cleanup Agreements in order to facilitate industrial re-use of the BCP sites.

With respect to 9 of the BCP sites currently owned by the ILDC, a minimum of 12 inches of clean cover material has been placed along with a demarcation layer in all areas that are not paved or covered by concrete or structures and Certificates of Completion (COC) have been issued. Remediation is complete on the remaining 6 BCP sites currently owned by the ILDC, and they are in a “cover-ready” state, requiring only the 12 inches of clean cover material to be placed on-site in order to obtain their COCs. The 8 BCP sites which the ILDC is purchasing from Tecumseh are contemplated to be remediated to a “cover-ready” state, requiring only the 12 inches of clean cover material to obtain their COCs.

Any future intrusive construction work must be performed in compliance with the Excavation Work Plan, as well as the Health and Safety Plan and Community Air Monitoring Plan, which are provided as appendices in the Site Management Plans. To minimize future disturbance of remaining contaminated soil, Clean Utility Corridors will be installed along the roadways.

5.8 Existing Land Use, Zoning and Coastal Zone Consistency

The Master Plan will allow vacant land to be redeveloped with new, less intensive uses compared to the prior heavy industrial activities that formerly occupied the Project Site. This change will be positive in nature and not result in significant adverse impacts to the surrounding community.

The Project Site is located within two of the City’s planning areas and zoning districts: BRA-LI and BRA-MI. The Master Plan is consistent with the land use and dimensional requirements for each district. Meeting the applicable zoning requirements minimizes potential impacts to land use, visual resources, noise and air quality impacts.

Implementation of the Master Plan and subsequent build-out of individual development projects are subject to a determination of consistency with the policy objectives of the City of Lackawanna's Local Waterfront Revitalization Program (LWRP), when individual projects are reviewed by the City. The proposed uses are also consistent with the City of Lackawanna Brownfield Opportunity Area (BOA) plan for the Project Site.

5.9 Public Service and Utilities

With improvements to the distribution systems, adequate natural gas and electric services are available to support build-out of the Project Site.

The conceptual site plans included in the *Engineers Report for Industrial Park Infrastructure Master Plan*, January 2020, prepared by AECOM (the "Engineers Report"). The Engineers Report provides a scenario where all potential lots can be adequately served by expanded public water and sewer systems, primarily along the proposed internal road network.

The anticipated water demand for the development of the Project is 3,528 gallons per minute (GPM). Based on the design parameters, the existing water system will be adequate to meet both domestic and fire-fighting demands from the proposed development. Therefore, no mitigation measures will be required to accommodate the increased water demand.

The total estimated average daily sanitary flow from the Project Site is approximately 0.65 million gallons per day (MGD). The existing available sewer capacity is 1.0 MGD at the Lackawanna Water Resource Recovery Facility and 2 MGD in the collection system along Odell Street. Therefore, the sewage flow for the Project will not exceed the existing sewer capacity and no mitigation measures will be required to accommodate the increased demand for treatment.

5.10 Socioeconomic Conditions

Implementation of the Master Plan and future build-out of the individual development sites will not create population within the Project Site. However, the Proposed ILDC Advanced Manufacturing Park project is expected to provide a stabilizing effect on population in the City as employment opportunities will increase and will likely be a catalyst for desired population growth in the First Ward.

According to the *ILDC - Industrial Park Infrastructure Master Plan Real Estate Analysis Draft Report* prepared by AECOM in January 2019, build-out of the individual development lots may add approximately 1,700 temporary jobs and 5,500 permanent jobs and may result in a net increase in income for workers in the City of Lackawanna and the greater Buffalo area.

Socioeconomic impacts from implementation of the Master Plan and development of the individual parcels on the Project Site are expected to be positive, and therefore, no mitigation is deemed necessary.

5.11 Historic, Cultural And Archeological Resources

A Phase 1A archaeological survey of the Project Site was prepared in response at the request of the New York State Office of Parks, Recreation and Historic Preservation/State Historic Preservation Office (SHPO). SHPO's review of the completed Phase 1A survey on March 15, 2019 concluded that *"It is thus the opinion of SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking."* Therefore, it is anticipated that implementation of the Master Plan and build-out of the individual development sites will not result in any significant adverse impacts and no mitigation measures for cultural resources are required.

5.12 Environmental Justice

The Study Area for the Environmental Justice analysis generally encompasses those U.S. Census Bureau block groups which lie within 400 feet of the Project Site. As detailed in the technical assessments in Section 3 of this DGEIS, there would be no significant adverse short- or long-term impacts resulting from the Project. There would be short-term minor construction-related impacts due to increased noise and traffic. There would also be the potential to disturb hazardous substances. Any hazardous substances encountered would be managed pursuant to the NYSDEC-approved SMP designed to be protective of human health and the environment. Also, impacts would have a limited duration and BMPs and other measures would be employed to minimize impacts. Although these impacts potentially could be experienced by low-income and minority populations, the impacts would be felt fairly equally by all populations proximate to the Project Site and therefore would not be disproportionate. The Project would result in beneficial socioeconomic and aesthetic impacts, which would be shared equally by all living and working in the area, including minority and low-income populations.

5.13 Aesthetic and Visual Resources

The Project Site, which was once a part of the former steel plant, is now characterized as abandoned, vacant land with overgrowth vegetation mainly comprised of early successional plants. The Project Site is devoid of structures except for two existing electrical substations and a vacant building. Implementation of the Master Plan and build-out of the individual development sites will result in significant changes to the visible landscape that are different from the current conditions and surrounding land uses.

Overall, future development of the Project Site, as guided by the Master Plan, will result in positive improvements to the aesthetic quality and visual character of the Project Site that will vastly improve existing conditions and replace former heavy industrial land use activity with clean, modern building designs that will enhance views of the Project Site. All future development on the Project Site will be subject to site plan review by the City of Lackawanna Planning Board, with consideration given to the supplemental Design Standards in the City of Lackawanna Zoning Laws. Given the programmatic mitigation measures the City has in place, it is not anticipated that build-out of the individual development lots will result in any significant adverse impacts to visual resources, and no further mitigation measures are necessary.

5.14 Noise

The surrounding land uses near the Project Site include vacant lands and existing industrial operations within the former BSC property. There is also construction noise from various remediation activities on the remaining off-site Tecumseh-owned properties. Miscellaneous industrial operations and storage, and the “First Ward” residential neighborhood are located east of Route 5.

Because the anticipated uses in the Project are permitted uses in the existing City of Lackawanna Zoning Laws and will adhere to Chapter 159 Noise, a detailed noise study is not recommended per the NYSDEC Program Policy DEP-00-1 *Assessing and Mitigating Noise Impacts*, revised February 2001.

The Project is not anticipated to have a substantial adverse change on existing noise levels at or near the Project Site. Construction activities will result in temporary noise impacts, primarily due to the operation of construction-related equipment including trucks entering and exiting the Project Site and heavy equipment. However, construction is anticipated to be limited to “normal business” hours to mitigate the potential effects to noise sensitive receptors.

The Project Site is relatively isolated from residential noise receptors. The closest residential area to the Project is opposite NYS Route 5 to the east, in Lackawanna’s “First Ward” neighborhood. The anticipated increase in noise levels resulting from operations associated with the future light and medium manufacturing and industrial uses on the individual development lots would be similar or lower than current noise levels related to on-going operations of surrounding medium to heavy industries and businesses, and may be lower than the existing traffic-generated noise levels along Route 5. If further assessment is warranted due to the proposed location or proposed uses, then a noise study should be completed in adherence to the NYSDEC Noise Policy as part of site plan review and SEQRA.

6.0 TEMPORARY AND SHORT-TERM IMPACTS

Development of the Project Site will result in temporary and short-term impacts related to construction activities. The short-term noise impacts will cease upon completion of the Project construction activities. To mitigate short-term air quality impacts due to construction activities, low sulfur fuel should be used whenever possible and engine idling time should be limited. Dust will be controlled by utilizing the appropriate BMPs, such as mulch, water sprinkling, and wind barriers. To minimize exposure to volatile organic compounds and particulates, where there currently is 12 inches of clean cover material the EWP’s will be followed any time the existing 12 inches of clean cover is breached, penetrated, or temporarily removed, and any underlying remaining impacted soils are disturbed.

7.0 POTENTIAL UNAVOIDABLE IMPACTS

Certain environmental impacts associated with the Project are unavoidable. Unavoidable adverse impacts have been reduced to the maximum extent practicable through the design of the Master Plan; and where appropriate, through the identification of mitigation measures and use of BMPs. Unavoidable environmental impacts associated with the Project include:

- Conversion of 194.9 acres of land to impervious land cover (i.e., buildings, parking lots, roads).
- Changes to the existing drainage conditions from the increase in impervious and potential impacts from erosion and sedimentation of local drainage ways.
- Short-term and long-term impacts to the existing noise setting due to construction and operation of the developed properties.
- Change in land use from vacant to light and medium industrial as allowed by the City's zoning policy.
- Positive changes to the visual setting of the Project Site.
- Increases in local traffic, which can be mitigated.
- Short-term, temporary impacts related to construction activities, including noise from construction vehicles and equipment, and short-term impacts to air quality from dust and exhaust. In addition, construction activities may increase the potential for erosion, flooding, and drainage problems, although implementation of BMPs will ensure that these problems are minimized.

8.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The Project will require some irreversible and irretrievable commitment of certain material, natural and financial resources. Existing vacant open space and existing vegetation will be replaced with development. Various construction materials and building supplies will also be committed to the future build-out of the individual development lots. The use of materials, such as gravel, concrete, steel, etc., will represent a long-term commitment of these resources. The expenditure of public funds will continue to be required throughout the process for environmental review, site and building design, permitting, site plan approval and construction phases of infrastructure for the Project. The commitment of these resources makes them unavailable for other uses.

9.0 GROWTH INDUCING IMPACTS

Implementation of the Master Plan and build-out of the individual development lots is not likely to result in a greater level of development than the existing zoning otherwise allows. Any secondary development pressure (i.e., for housing and commercial services resulting from development of the Project Site) can be absorbed by vacant lands, underdeveloped properties and redevelopment of existing structures and lands within the City of Lackawanna and surrounding communities. Therefore, the Project is not anticipated to result in significant negative impacts to the surrounding area or the City as the result of further growth in the community.

10.0 CUMULATIVE IMPACTS

In general, cumulative impact analysis of external projects proposed for construction in the region is required by SEQRA where the external projects have been specifically identified. Since no external projects have been identified to be considered under an in-depth analysis of cumulative impacts associated with the Project, no further analysis has been determined to be appropriate for this action. Any development of individual lots within the Project Site that exceeds the thresholds identified in Section 5.0 of the DGEIS that necessitates additional SEQRA review would also be required to address potential cumulative impacts. Additionally, when projects subject to SEQRA are proposed in the future on the remaining Tecumseh-owned lands, they will benefit from GEIS in their assessment of cumulative impacts.

The Master Plan is designed to meet market demand in terms of lot size, access, and infrastructure. The road layout and lot configuration is flexible and capable of being developed in phases. Therefore, not all the roads and utility infrastructure must be constructed at one time in order to build out some or all the individual development lots. The assessments conducted for the GEIS consider the full build out of all the infrastructure and development of all the land available in accordance with the current zoning. The implementation of the Master Plan, including the mitigation measures identified herein, will be no less protective of the environment if all or part of the Project is completed.

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Findings Statement for the Advanced Manufacturing Park-Infrastructure Master Plan, and having considered the preceding relevant environmental impacts, facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. § 617.11, and having weighed and balanced the relevant impacts with social, economic and other considerations, this Statement of Findings certifies that:

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

Buffalo and Erie County Industrial Land Development Corporation
Name of Agency

Signature of Responsible Official

John Cappellino
Name of Responsible Official

President and CEO
Title of Responsible Official

October 28, 2020
Date

95 Perry Street, Suite 403, Buffalo, New York 14203
Address of Agency

**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND
DEVELOPMENT CORPORATION**

FINDINGS STATEMENT RESOLUTION

(BETHLEHEM STEEL SITE)

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation was convened on Wednesday, October 28, 2020, at 12:00 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ADOPTING A SEQRA FINDINGS STATEMENT FOR THE BETHLEHEM STEEL SITE ADVANCED MANUFACTURING PARK INFRASTRUCTURE MASTER PLAN

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (the "ILDC") owns approximately 150 acres of real property located within the former Bethlehem Steel Site in Lackawanna, New York, and is currently in negotiations to purchase an additional 92 acre parcel of real property also located within the former Bethlehem Steel Site in Lackawanna, New York (collectively, the "Real Property"); and

WHEREAS, the ILDC, in its efforts to establish an infrastructure and master plan for the Real Property (the "Project"), must first comply with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, the ILDC is the Lead Agency conducting a coordinated review of the Project pursuant to SEQRA; and

WHEREAS, the ILDC accepted a Draft Generic Environmental Impact Statement (the "DGEIS") for the Project on May 27, 2020; and

WHEREAS, a public hearing on the DGEIS was held on June 29, 2020, and a public comment period was provided from May 27, 2020 through July 9, 2020; and

WHEREAS, the ILDC accepted a Final Generic Environmental Impact Statement ("FGEIS") prepared for the Project on September 23, 2020; and

WHEREAS, the ILDC has prepared a Findings Statement for completion of the SEQRA review of the Project as required by 6 N.Y.C.R.R. § 617.11 of the SEQRA regulations (the "Findings Statement").

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF DIRECTORS OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. The ILDC hereby adopts the Findings Statement as prepared pursuant to 6 N.Y.C.R.R. § 617.11 and directs that copies of the Findings Statement be provided to all involved agencies, as well as to any individual requesting a copy.

Section 2. The ILDC hereby authorizes and directs that the ILDC's staff, agents, and consultants undertake any other and further action as may be necessary pursuant to SEQRA in order to meet the ILDC's obligations as Lead Agency.

Section 3. This Resolution shall take effect immediately upon adoption.

Dated: October 28, 2020