



Buffalo and Erie County Industrial Land Development Corporation  
Meeting of the Board of Directors  
June 23, 2021  
@ 12:30 p.m.

**Via Conference Call and Meeting is being Livestreamed**

**1.0 Call to Order**

**2.0 Approval of Minutes**

2.1 Approval of the May 26, 2021 minutes of the Board of Directors (Action Item) (Pages 2-3)

**3.0 Reports / Action Items / Information Items:**

3.1 Financial Report (Informational) (Pages 4-7)

3.2 Annual Report of the Directors – (Action Item) (Page 8)

3.3 Acceptance of Final Scoping Documents - Angola Ag Park (Action Item) (Pages 9-37)

**4.0 Management Team Report:**

4.1

**5.0 Adjournment - Next Meeting July 28, 2021 at 12:30 p.m.**



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

- DATE AND PLACE:** May 26, 2021, 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](http://www.ecidany.com).
- PRESENT:** Denise Abbott, Hon. April Baskin, Hon. Howard Johnson, Richard Lipsitz, Jr. and Hon. Mark C. Poloncarz
- EXCUSED:** Hon. Byron W. Brown and Hon. Maria Whyte
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Beth O’Keefe, Business Development Officer; Atiqa Abidi, Assistant Treasurer; Robbie Ann McPherson, Director of Marketing and Communications; Lori Szewczyk, Director of Grants; Jamee Lanthier, Compliance Officer; Pat Smith, Senior Bookkeeper; 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 1:08 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

Mr. Lipsitz moved and Mr. Johnson seconded to approve of the April 28, 2021 minutes. Mr. Poloncarz called for the vote and the minutes were unanimously approved.

## REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Profic presented the April 2021 financial report. She noted that the balance sheet indicates the ILDC ended the month with total assets of \$10M and net assets of \$7.2M. One loan under the County's Microloan program also closed during April. The April income statement shows \$800 of revenue and \$3,000 of expenses, along with special project grant/costs netting to a \$73,000 of net income in April. The year-to-date income statement shows total revenues of \$3,400 and total expenses of \$35,000. Special project grants relate to funds in the Bethlehem Steel and Angola Ag Park costs. Overall there is net income of \$48,000 for 2021. Mr. Poloncarz directed that the report be received and filed.

Election of Officers/Committee Appointments. Mr. Cappellino advised per the recommendation of the Nominating Committee, that the entire nominating slate should be approved. Mr. Lipsitz moved and Mr. Johnson seconded, to approve of the nominating slate as recommended. Mr. Poloncarz called for the vote and the aforementioned motion was unanimously approved.

There being no further business to discuss, Mr. Poloncarz adjourned the meeting at 1:12 p.m.

Dated: May 26, 2021

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Karen M. Fiala, Secretary

**Industrial Land Development Corp.**  
**Financial Statements**  
As of May 31, 2021

## INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

### Balance Sheet

May 31, 2021

	May 2021	April 2021	December 2020
<b>ASSETS:</b>			
Restricted Cash *	\$ 1,757,615	\$ 1,776,344	\$ 1,944,866
Grants Receivable	1,049,330	1,061,208	514,051
Loans Receivable, net	242,472	207,472	35,966
Prepaid Expenses	9,938	11,362	-
Prepaid Acquisition Costs	35,316	35,316	24,110
Total Loan Assets	3,094,670	3,091,701	2,518,993
 Capital Assets	 6,882,024	 6,882,024	 6,877,681
 Total Assets	 \$ 9,976,695	 \$ 9,973,725	 \$ 9,396,674
<b>LIABILITIES &amp; NET ASSETS:</b>			
Accounts Payable	\$ -	\$ -	\$ 32,609
Due to/(from) ECIDA	330,738	339,751	283,473
Other Liabilities	2,425,377	2,428,380	2,038,091
Total Liabilities	2,756,115	2,768,131	2,354,173
 Restricted Fund Balance	 7,220,580	 7,205,594	 7,042,501
Total Liabilities & Net Assets	\$ 9,976,695	\$ 9,973,725	\$ 9,396,674

<b>Loan Portfolio Summary:</b>	May 2021	April 2021	December 2020
# of Loans	8	7	3

\* 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 May 2021

	<b>Actual vs. Budget</b>		
	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
<b>REVENUES:</b>			
Interest Income - Loans	\$ (0)	\$ 375	\$ (375)
Interest Income - Cash & Inv.	14	2	13
Proceeds from Land Sales	-	20,833	(20,833)
Other Income	750	750	-
Total Revenues	<u>764</u>	<u>21,960</u>	<u>(21,195)</u>
<b>EXPENSES:</b>			
Management Fee - ECIDA	\$ 5,000	\$ 5,000	-
Professional Services	1,000	6,667	(5,667)
General Office Expenses	(7,893)	-	(7,893)
Other Expenses	205	2,281	(2,076)
Total Expenses	<u>(1,688)</u>	<u>13,948</u>	<u>(15,636)</u>
<b>SPECIAL PROJECT GRANTS:</b>			
Industrial Land Park - ESD	-	129,583	(129,583)
Industrial Land Park - ECIDA	10,950	16,667	(5,717)
Angola Ag Park - ECIDA Grant	-	8,333	(8,333)
Other grant revenue	3,004	245,833	(242,830)
Industrial Land Park costs	(522)	(16,667)	16,144
Angola Ag Park grant costs	(897)	(8,333)	7,436
Other grant expenses	-	(245,833)	245,833
	<u>12,534</u>	<u>129,583</u>	<u>(117,050)</u>
<b>NET INCOME/(LOSS):</b>	<u>\$ 14,986</u>	<u>\$ 137,566</u>	<u>\$ (122,580)</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: May 31, 2021

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
<b>REVENUES:</b>						
Interest Income - Loans	\$ 239	\$ 1,875	\$ (1,636)	\$ 239	\$ 248	\$ (10)
Interest Income - Cash & Inv.	137	8	130	137	10	127
Proceeds from Land Sales	-	104,167	(104,167)	-	-	-
Other Income	3,750	3,750	-	3,750	750	3,000
<b>Total Revenues</b>	<b>4,126</b>	<b>109,800</b>	<b>(105,673)</b>	<b>4,126</b>	<b>1,008</b>	<b>3,118</b>
<b>EXPENSES:</b>						
Management Fee - ECIDA	\$ 25,000	\$ 25,000	-	\$ 25,000	\$ 24,167	\$ 833
Professional Services	12,822	33,333	(20,511)	12,822	28,726	(15,903)
General Office Expenses	(8,385)	-	(8,385)	(8,385)	-	(8,385)
Other Expenses	479	11,406	(10,927)	479	2,380	(1,901)
<b>Total Expenses</b>	<b>29,916</b>	<b>69,740</b>	<b>(39,823)</b>	<b>29,916</b>	<b>55,272</b>	<b>(25,356)</b>
<b>SPECIAL PROJECT GRANTS:</b>						
Industrial Land Park - ESD	18,566	647,917	(629,351)	18,566	-	18,566
Industrial Land Park - ECIDA	187,255	83,333	103,922	187,255	80,000	107,255
Angola Ag Park - ECIDA Grant	25,696	41,667	(15,971)	25,696	837,243	(811,547)
Other grant revenue	141,268	1,229,167	(1,087,898)	141,268	26,636	114,632
Industrial Land Park costs	(174,840)	(83,333)	(91,506)	(174,840)	(79,479)	(95,361)
Angola Ag Park grant costs	(19,771)	(41,667)	21,895	(19,771)	-	(19,771)
Other grant expenses	(89,304)	(1,229,167)	1,139,862	(89,304)	(26,636)	(62,668)
	<b>88,869</b>	<b>647,917</b>	<b>(559,048)</b>	<b>88,869</b>	<b>837,764</b>	<b>(748,895)</b>
<b>NET INCOME/(LOSS):</b>	<b>\$ 63,079</b>	<b>\$ 687,977</b>	<b>\$ (624,897)</b>	<b>\$ 63,079</b>	<b>\$ 783,500</b>	<b>\$ (720,422)</b>

\* 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.





## MEMORANDUM

**TO:** Buffalo & Erie County Industrial Land Development Corporation Members  
**FROM:** Mollie Profic, CFO  
**SUBJECT:** Annual Report of Directors  
**DATE:** June 23, 2021

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Under Section 519 of the New York State Not-for-profit Corporation Law, ILDC is required to present an annual report at its annual member meeting. The annual report is to include 1) information on the assets and liabilities of ILDC as of the end of the prior fiscal year, 2) the principal changes in assets and liabilities during the prior fiscal year, 3) the revenue or receipts of ILDC during the prior fiscal year, 4) the expenses or disbursements of ILDC during the prior fiscal year and 5) The number of members of ILDC as of the date of the report, together with a statement of increase or decrease in the number of members during the prior fiscal year and a statement of the place where the names and places of residence of the current members may be found.

The audited financial statements were approved by ILDC's Board of Directors at their March 24, 2021 meeting and were presented to the ILDC members in order to satisfy the first four requirements noted above. A copy of the audited financial statements can be located at <http://www.ecidany.com/about-us-corporate-reports>.

In satisfaction of the final requirement of the NYS Not-for-profit Corporation Law, ILDC has 1 membership position at June 23, 2021 which is the same as reported at the prior year's annual meeting. The name of the member of ILDC may be found at: <http://www.ecidany.com/about-us-board-of-directors> while the places of residence of current board members may be found at the ILDC offices at 95 Perry Street, Suite 403, Buffalo, New York 14203.

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

(Erie County Agribusiness Park Infrastructure and Master Plan)

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation was convened June 23, 2021, at 12:30 p.m.

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

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL  
LAND DEVELOPMENT CORPORATION ("ILDC") ACCEPTING THE  
FINAL SCOPING DOCUMENT FOR THE ERIE COUNTY AGRIBUSINESS  
PARK INFRASTRUCTURE AND MASTER PLAN PURSUANT TO THE  
NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the ILDC is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended (the "NFP Law"), to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County (the "County") and lessen the burdens of government and act in the public interest; and

WHEREAS, the ILDC owns approximately 240 acres of real property located at and adjacent to 1526 Eden Evans Center Road, Evans, NY 14006 (the "Real Property") and acquired same for purposes of developing an agribusiness park (the "Erie County Agribusiness Park") consistent with the ILDC's job creation mission and to assist the County in efforts to alleviate the burdens of government; and

WHEREAS, the ILDC desires to establish a master plan to plan utilities, road network, and development parcels in a comprehensive manner to create and establish the Erie County Agribusiness Park which is competitive in the attraction of agribusiness companies (the "Infrastructure and Master Plan"); and

WHEREAS, on April 28, 2021, the ILDC passed a resolution (i) accepting its role as Lead Agency with respect to the Infrastructure and Master Plan pursuant to the New York State Environmental Quality Review Act and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), (ii) classifying its proposed Infrastructure and Master Plan as a Type "T" action pursuant to 6 N.Y.C.R.R. § 617.4 of the SEQRA regulations, (iii) approving the Full Environmental Assessment Form Part 1, 2 and 3 prepared for the Infrastructure and Master Plan and determining that the adoption and implementation of the Erie County Agribusiness Park Infrastructure and Master Plan may result in one or more large impacts that may have a significant impact on the environment; (iv) issuing a Positive Declaration, as that term is defined by the SEQRA regulations, for the ILDC's Erie County Agribusiness Park Infrastructure and Master Plan; (v) determining that a draft generic environmental impact statement ("DGEIS") must be prepared; and (vi) accepting the Draft Scoping Document for the preparation of the DGEIS and directing that the Draft Scoping Document for the DGEIS be sent to all applicable involved agencies and interested agencies, and

that copies of the Draft Scoping Document be made available for the general public to review at locations determined to be appropriate by the ILDC; and (vii) directing that due and proper notice be given of a public meeting relative to the Draft Scoping Document to be held on such date and time, and at such location, to be determined by the President/CEO of the ILDC working in conjunction with the Town of Evans, for the purpose of hearing and considering public comment on the Draft Scoping Document in order to prepare a Final Scoping Document; and

WHEREAS, a written public comment period for the Draft Scoping Document was provided through June 1, 2021, and the ILDC conducted a public scoping meeting on May 18, 2021, for the purpose of receiving comments on the Draft Scoping Document from members of the public; and

WHEREAS, the ILDC has taken the comments received from the public and prepared a Final Scoping Document pursuant to 6 N.Y.C.R.R. § 617.8(f) of the SEQRA regulations, a copy of which is attached and incorporated hereto.

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. Pursuant to 6 N.Y.C.R.R. § 617.8 of the SEQRA regulations, the ILDC hereby accepts the Final Scoping Document that has been prepared for the Erie County Agribusiness Park Infrastructure and Master Plan, dated as of June 11, 2021, and directs that copies of the document be provided to all involved and interested agencies, as well as any individual requesting a copy.

Section 2. The ILDC directs that the Final Scoping Document be utilized as an outline of the requirements for the preparation of the DGEIS identifying the relevant potential environmental impacts associated with the proposed action that are to be fully evaluated in the DGEIS.

Section 3. This Resolution shall take effect immediately.

June 23, 2021

**FINAL SCOPING DOCUMENT  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT**

**PROJECT (ACTION)  
ERIE COUNTY AGRIBUSINESS PARK MASTER PLAN**

**PROJECT SPONSOR  
BUFFALO AND ERIE COUNTY INDUSTRIAL LAND  
DEVELOPMENT CORPORATION (ILDC)**

**PROJECT LOCATION  
EDEN EVANS CENTER ROAD  
TOWN OF EVANS  
ERIE COUNTY, NEW YORK**

*June 16, 2021*

**POSITIVE DECLARATION: April 28, 2021**

**SCOPING MEETING HELD: May 18, 2021**

**COMMENTS ACCEPTED THROUGH: June 1, 2021**

**FINAL SCOPE ACCEPTED: June 23, 2021**



FINAL SCOPING DOCUMENT  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
PROPOSED ERIE COUNTY AGRIBUSINESS PARK PROJECT

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FINAL SCOPING DOCUMENT  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
PROPOSED ERIE COUNTY AGRIBUSINESS PARK PROJECT

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FINAL SCOPING DOCUMENT  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
PROPOSED ERIE COUNTY AGRIBUSINESS PARK PROJECT

**1.0 INTRODUCTION**

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) is the Lead Agency for the State Environmental Quality Review Act (SEQR) review of the Proposed Action, which is the adoption and implementation of a Master Plan for the Erie County Agribusiness Park that includes installation and construction of utilities and infrastructure in support of the future industrial and commercial development of the site (the “Project” or Master Plan). The Draft Scoping Document outlined the issues to be studied and analyzed in a Draft Generic Environmental Impact Statement (DGEIS) pursuant to 6 NYCRR Part 617, SEQR. The purpose of the DGEIS is to evaluate the potential impacts of a Master Plan targeting business/industrial development at the proposed Erie County Agribusiness Park site, which is located on Eden Evans Center Road in the Town of Evans and sponsored by the ILDC.

A Draft Scoping Document was prepared to provide a general description of the proposed action and an outline of the SEQR process, and to identify relevant potential environmental impacts associated with the proposed action, which will be addressed in the DGEIS. The intent of the Draft Scoping Document was to provide interested and involved agencies and the public with information about the proposed Project, and to generate public comments that will help ILDC identify important issues and concerns that need to be addressed in the GEIS process. Based on this input, this Final Scoping Document was prepared.

**1.1 Site Location**

The Project site is located in the Town of Evans, on the north side of Eden Evans Center Road, east of Delamater Road and the parallel running railroad tracks and west of Southwestern Boulevard (Route 20) and the New York State Thruway Interchange (Interstate-90) at Exit 57A “Eden – Angola” (see Figure 1-1).

**1.2 Proposed Action and Classification of the Action**

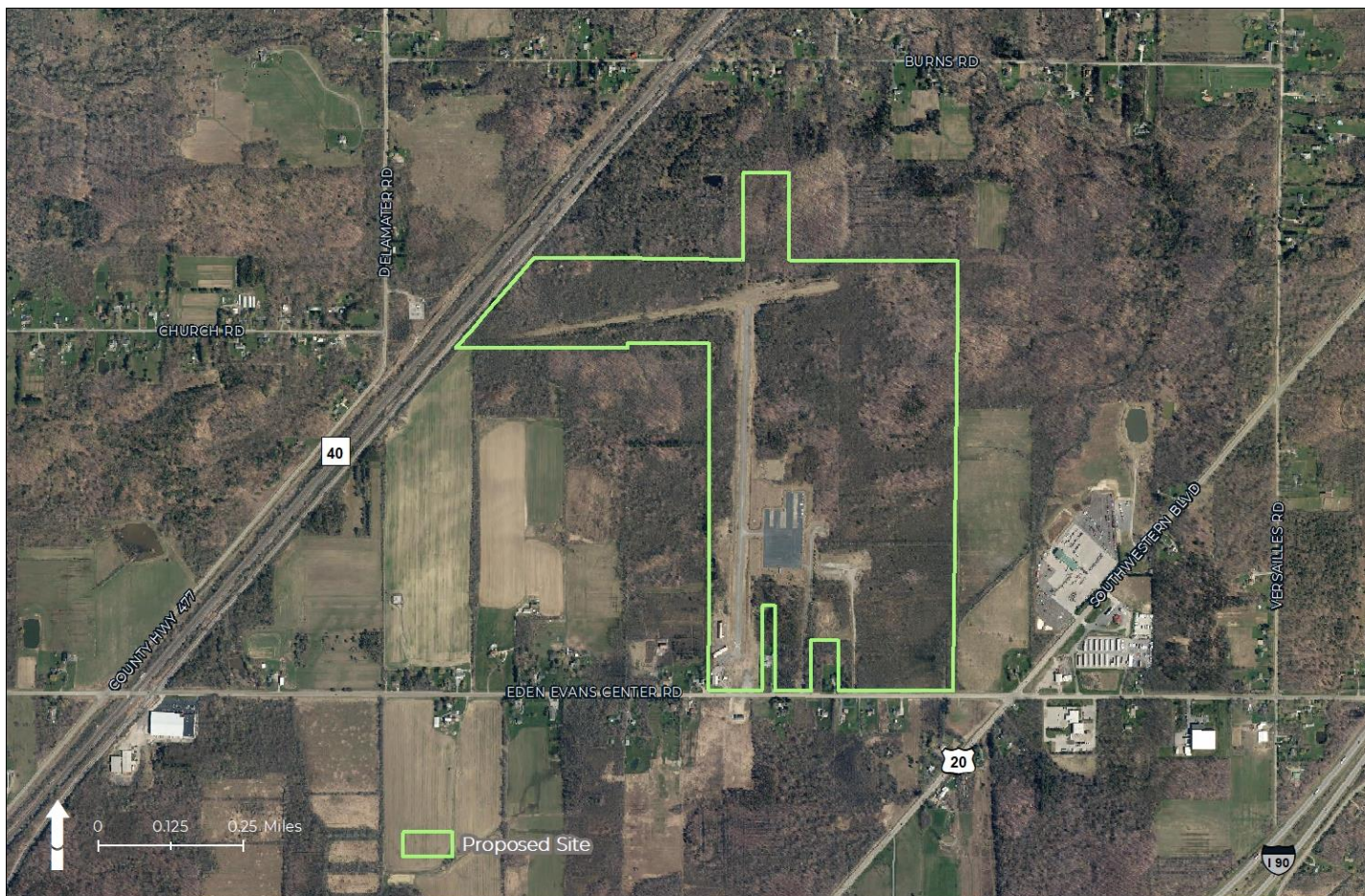
The Project will involve the Master Plan approval, and construction and operation of necessary infrastructure in support of the development of an Agribusiness Park at the Project site. Subsequent to the successful completion of the DGEIS, the ILDC proposes to apply for Shovel Ready Certification for the Project Site. Shovel Ready Certification gives official recognition to sites that have completed intensive state and local government review necessary to accelerate future investment and development and are prepared to offer businesses the opportunity to break ground on a new facility in a greatly expedited process.



FINAL SCOPING DOCUMENT  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
PROPOSED ERIE COUNTY AGRIBUSINESS PARK PROJECT

The ILDC has classified the proposed action as a Type 1 action under SEQR based on a determination that it will ultimately involve the physical alteration of ten (10) or more acres. This threshold for a Type 1 action is set forth at 6 NYCRR Part 617.4(b). The ILDC is in the process of completing a coordinated environmental review of the proposed action. SEQR requires a Lead Agency to conduct a coordinated environmental review of all Type 1 actions.

FINAL SCOPING DOCUMENT  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
PROPOSED ERIE COUNTY AGRIBUSINESS PARK PROJECT



Source: Erie County Department of Planning 2020; NY Statewide Digital Orthoimagery Program (NYS DOP) 2020

**Figure 1-1**  
Site Location Map  
Erie County Agribusiness Park  
Town of Evans, Erie County, New York

FINAL SCOPING DOCUMENT  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
PROPOSED ERIE COUNTY AGRIBUSINESS PARK PROJECT

**1.3 Description of the SEQR Process**

**1.3.1 General**

All discretionary decisions of a state, regional, or local agency to approve, fund, or directly undertake an action that may affect the environment are subject to review under SEQR. SEQR, as implemented by 6 NYCRR Part 617, requires the consideration of environmental factors in the early stages of the planning, review, and decision-making processes of state, regional, and local agencies. The intent of SEQR is to ensure that a balance of social, economic, and environmental factors is incorporated into the planning and decision-making processes.

**1.3.2 Determination of Significance**

As part of the process, the Erie County ILDC completed an Environmental Assessment Form (EAF) Part 1. The EAF provided information about the proposed Project and identified agencies that have permitting and approval jurisdiction over the proposed Project. The EAF provided basic information as it was the intent of the ILDC to have a GEIS completed on this project.

It is up to the Involved Agencies to select a Lead Agency that will be primarily responsible for approving a proposed action, determining whether an Environmental Impact Statement (EIS) is required, and preparing and filing the EIS, as necessary. The ILDC requested Lead Agency status to commence the SEQR process for this action. The ILDC is requesting to be the Lead Agency as it is the site owner and the funding agency for this Project. Due to the nature of the Project (Feasibility Study update, development of a Master Plan for an Agribusiness Park and potential NYS Shovel Ready Designation), the ILDC is the only funding/approval agency. It is the ILDC's intent to issue a Positive Declaration and have a GEIS developed.

Based on the EAF Part 1 and previous information generated on the site, the ILDC had prepared Part 2 of the EAF in order to identify the range of potential impacts, their scale and whether impacts so identified can be mitigated or reduced. Subsequently, the ILDC determined that the proposed action and the future development of the subject property could have a significant adverse impact on the environment. Based upon its Determination of Significance, the ILDC (after assuming Lead Agency) issued a Positive Declaration on April 28, 2021, requiring the preparation of an EIS.

FINAL SCOPING DOCUMENT  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
PROPOSED ERIE COUNTY AGRIBUSINESS PARK PROJECT

Because the proposed action involves the preparation and implementation of a Master Plan to guide potential development of the subject property for agricultural businesses and related light manufacturing, and because no site-specific development project has been determined, a generic assessment will be undertaken and the preparation of a GEIS is required. A copy of the Positive Declaration (the resolution and Parts 1, 2 and 3 of the Final EAF) is included in Appendix A.

**1.3.3 Scoping**

Following the Determination of Significance, the next step in the SEQR process is Scoping, which is no longer optional. The ILDC is committed to conducting public scoping for this GEIS in order to identify and address public issues and concerns. The purpose of this Scoping Document is to identify the important environmental impacts that are to be considered in the DGEIS. The DGEIS is a broader, more general environmental assessment than a site or project specific EIS, that discusses the logic and rationale for potential site development. A virtual public scoping session was held on May 18, 2021 to gather public input on specific areas for study in the DGEIS. Substantive comments received during the public scoping session were incorporated in the final written scope.

**1.3.4 Draft Generic Environmental Impact Statement**

Once scoping is complete, the DGEIS will be prepared. The DGEIS provides a detailed description of the Proposed Action, identifies the various permits and approvals required, identifies the relevant positive and adverse impacts of the proposed action, discusses measures to mitigate or lessen potentially adverse impacts, and evaluates reasonable alternatives to the proposed action. A preliminary outline for the DGEIS is included in Appendix B.

**1.3.5 Public Comment Period**

After the ILDC, as Lead Agency, has reviewed the DGEIS and determined it is complete, the DGEIS is released for public review and comment. After a complete document has been accepted, the length of the public review and comment period will be a minimum of 30 days. The ILDC will establish public review time frames meeting the SEQR requirements and schedule a public hearing.

FINAL SCOPING DOCUMENT  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT  
PROPOSED ERIE COUNTY AGRIBUSINESS PARK PROJECT

**1.3.6 Final Environmental Impact Statement**

Upon completion of the public review period for the DGEIS, ILDC will prepare a Final Generic Environmental Impact Statement (FGEIS) that responds to public and agency comments. The FGEIS includes the DGEIS, the substantive comments received, responses to these comments, revisions to the DGEIS, and reasons for the revisions.

**1.3.7 Findings Statement**

The SEQR process concludes with the preparation of the Findings Statement by the Lead Agency. The Findings Statement positively demonstrates that the proposed action minimizes or avoids potential adverse environmental effects to the maximum extent practicable, and that the proposed action incorporates practicable mitigation measures that were identified through the SEQR process.

These demonstrations must be based on facts and conclusions that are derived from the GEIS, public, and agency comments, any hearing records, and the approved FGEIS. The Findings Statement identifies the considerations that have been weighed and the Lead Agency's rationale for its approval or disapproval of the proposed action.

**1.4 Purpose and Scope**

The purpose of this Scoping Document is to identify the relevant environmental issues to be addressed in the GEIS. The issues discussed herein were identified by the ILDC based on the EAF Parts 1 and 2, the Positive Declaration, the original Feasibility Study, the requirements of NYS Shovel Ready Designation, comments from Involved Agencies and the public comments.

Pursuant to 6 NYCRR Part 617, the SEQR Lead Agency, Involved Agencies, and Interested Parties are listed in Section 2.3. Potential significant environmental impacts and mitigation measures to be considered in the DGEIS, as well as the probable sources of information are provided in Section 3.0. Alternatives to the proposed action that will be considered in the DGEIS are identified in Section 4.0 and a description of information that will be appended to the DGEIS is provided in Section 5.0.

## **2.0 ENVIRONMENTAL REVIEW PROCESS**

### **2.1 Purpose of SEQR**

SEQR provides a process for the consideration of potential environmental impacts in the early planning stages of actions that are directly undertaken, funded, or approved by local, regional, or state agencies. By listening to public and agency input, and conducting a thorough environmental review into the development of this Erie County Agribusiness Park Master Plan and its related component parts, impacts can be identified early in the process, and projects can be modified, as needed, to avoid or minimize adverse impacts on the environment.

A critical aspect of SEQR is its public participation component. There are opportunities for public participation incorporated into the EIS process. This includes the SEQR Lead Agency option to hold public scoping of the DGEIS, conducting a SEQR public hearing, the mandated 30-day public comment period on the DGEIS and the review period after completion of the FGEIS before Findings are made. These opportunities allow other agencies and the public to provide input into the environmental review process.

### **2.2 SEQR Process**

The overall SEQR Process is described in Section 1.3. The ILDC has determined that this Project will require preparation of an GEIS, and at this time the ILDC is at the Scoping stage.

### **2.3 Scoping the DGEIS**

Scoping is the process that identifies the important environmental issues of a Project to be addressed in the GEIS process. The objectives of scoping are to:

1. Identify significant environmental issues.
2. Eliminate insignificant or irrelevant issues.
3. Identify the limits of the Project's potential impacts.
4. Identify the range of reasonable alternatives to be addressed.
5. Identify potential mitigation measures.

It is the responsibility of the ILDC, as SEQR Lead Agency, to organize and conduct Scoping. The Involved Agencies have an obligation to give their agency perspective and to participate in the scoping process. Involved Agencies are those that have the authority to fund, approve, or directly undertake an action related to the Project (6 NYCRR Part 617 Section 2). The following are the Involved Agencies (or Interested Agencies) identified to-date for the subject Project:

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- United States Department of Interior – Fish and Wildlife Service, New York Ecological Services Field Office
- New York State Department of Environmental Conservation (NYSDEC) – Region 9
- New York State Department of Transportation (NYSDOT) - Region 5
- New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP)
- New York State Department of Health
- New York State Department of Agriculture and Markets
- Erie County Department of Planning (ECDEP)
- Erie County Department Health Department (ECDOH)
- Erie County Department of Public Works (ECDPW)
- Erie County Legislature
- Erie County Sewer District (ECSD)
- Erie County Water Authority (ECWA)
- Empire State Development (ESD)
- Town of Evans (Town Board and Planning Board)
- Evans Center Fire Company
- Town of Evans Police Department
- Erie County Industrial Development Agency (ECIDA)
- National Grid

This scoping process ensures that the DGEIS will be a concise, accurate and complete document upon which all agencies can base their decisions. By including the public, as well as other agencies in the scoping process, the ILDC will obtain additional information and specialized knowledge that may reduce the likelihood of additional issues arising during the public review period of the DGEIS.

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**3.0 EXTENT AND QUALITY OF INFORMATION NEEDED FOR DGEIS AND POTENTIAL MITIGATION MEASURES**

The potential significant impacts and mitigation measures identified to date that will be addressed in the DGEIS are identified below. The information sources identified with each potential impact listed will be reviewed, summarized in the DGEIS, used to determine potential impacts and required mitigation measures. Upon completion, the DGEIS will be made available by the ILDC during the required DGEIS public review period at the offices of the ILDC in Buffalo, New York.

**3.1 Impacts on Land and Geological Resources**

- a. Potential Impact: The proposed Project includes installation and construction components which will result in the physical alteration of the site which could impact the water table and be impacted by site conditions. Topographic conditions could change due to site development activities and these construction activities could take place over an extended period of time.
  - i. Information needed: Topographic Survey (LIDAR plus Topo), soil/rock conditions and types, water table levels, description of the anticipated land coverage and site layout; identification of all acreage to be developed now or in the future and potential phasing.
  - ii. Possible mitigation: Site layout in accordance with features of the site, building restrictions, phasing plans, etc.

**3.2 Impacts on Surface Water & Groundwater Resources**

- a. Potential Impact: Project could potentially impact surface water, protected and non-protected water bodies; however, much of the site was previously developed as an airport that includes drainage features.
  - i. Information needed: Wetland identification and identification of streams, creeks, floodplains and water bodies on the site.
  - ii. Possible mitigation: Avoidance of these areas or minimize disturbance.
- b. Potential Impact: Extent of paved surfaces and building coverage may result in excessive volume of stormwater and impacts to surface waters.
  - i. Information needed: Existing soils information; grading and drainage concepts; anticipated stormwater management plan.
  - ii. Possible mitigation: Properly designed plan; use of green infrastructure techniques to manage stormwater; incorporation of existing surface water resources on site into stormwater design.
- c. Potential Impact: The proposed Project and its related installation and construction component parts are potentially incompatible with existing drainage patterns. Drainage calculations and preliminary design needs to be



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submitted in order to document that the drainage systems can handle projected flows. Quality of stormwater runoff and potential for contaminants is unknown.

- i. Information needed: Drainage calculations and data on major storm events, existing system conditions and capacities.
- ii. Possible mitigation: Some areas may require higher design standards (design for larger storm events, etc.) than dictated by the Town and State standards. Downstream and/or upstream improvements and a well-designed grading plan.

### **3.3 Impacts on Air Quality and Climate/Climate Change**

- a. Potential Impact: The proposed developments will increase the amount of land committed to commercial/industrial land use. The significance, likelihood and degree of air quality impacts cannot be fully evaluated until the final mix of uses/occupants is presented. However, an increase in traffic associated with implementation of the Master Plan could impact localized air quality. In addition, specific land uses that involve a high level of emissions through their operations may also be an air quality issue.
  - i. Information needed: Existing air quality information and estimates on impacts from proposed vehicular traffic and uses.
  - ii. Possible mitigation: Use restrictions to control the potential discharges from any industrial uses (limit or prohibit heavy industrial uses in area). Limit truck idling areas and create trucking thresholds. In addition, the Agribusiness Park intends to evaluate electric/renewable/battery power, and therefore could potentially offset air quality impacts.
- b. Potential Impact: Dust from construction activities may temporarily impact adjoining areas.
  - i. Information needed: Area wind patterns and proposed construction activities. Scheduling of proposed construction activity.
  - ii. Possible mitigation: Dust control activities.

### **3.4 Impacts on Terrestrial and Ecological Resources**

- a. Potential Impact: Potential minor loss of habitat and plant communities from proposed Project may impact resident and migratory birds and other wildlife utilizing the area.
  - i. Information needed: Documentation from the USFWS and NYSDEC and other sources, as necessary. Documentation of existing vegetation conditions at the site.
  - ii. Possible mitigation: Protection of wetlands and any sensitive ecological resources through the design of uses that ensures development is

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consolidated into one general location, so some larger contiguous open space areas may be created and/or maintained.

- b. Potential Impact: The proposed Project may impact threatened or endangered species or any species of special concern.
  - i. Information needed: Documentation from the USFWS and NYSDEC and other sources, as necessary, and walkover of site.
  - ii. Possible mitigation: Avoidance of specific areas if species present.

**3.5 Impacts on Land Use & Zoning, Community Plans, Open Space and Recreation, and Agriculture**

- a. Potential Impact: Incompatibility of the Project with local plans (Town's Comprehensive Plan/other plans [State, County and Regional Plans]) and Town zoning. However, the significance, likelihood and degree of potential impacts cannot be fully evaluated until the final mix of uses/occupants is presented.
  - i. Information needed: Zoning and land use patterns in the area; discussion of the Town's Comprehensive Plan and current zoning, along with other plans (State, County and Regional Plans). Discussion of the overall processes and approvals needed for proposed projects.
  - ii. Possible mitigation: Conformance with the Town's Comprehensive Plan, and restriction of the allowed uses in the Agribusiness Park project site; layout of uses and meeting zoning requirements. Changes to the plan to better meet regional planning and zoning requirements.
- b. Potential Impact: There was no previous agricultural use of the project site (much of the Project site was previously used as an airport). The proposed Agribusiness Park Master Plan is intended to support the local and regional agriculture industry.
  - i. Information needed: Agricultural data illustrating limited impact to site and surrounding agricultural resources; discussion of farming and agricultural industry in the area. Description of the potential positive impacts to agriculture from the proposed Project.
  - ii. Possible mitigation: None at this time.
- c. Potential Impact: The proposed Project will cause a change in the density of land use and potential industrial/ manufacturing uses on this property, and this level of development will need to be shown to be compatible with the surrounding rural area.
  - i. Information needed: Provide a complete description (written and visual) of the land uses in the area.
  - ii. Possible mitigation: Restriction of uses in certain areas, setbacks and screening.

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**3.6 Impacts on Aesthetic Resources**

- a. Potential Impact: The proposed Project represents a land use that is different from current surrounding land uses (rural, residential, undeveloped areas, but also previous airport use). The significance, likelihood and degree of the aesthetic impact(s) is expected to be minor given development of the Agribusiness Park will likely involve construction of relatively low profile one-to-two story buildings. It should also be noted that the area does not include any officially designated federal, state or local scenic or aesthetic resources.
  - i. Information needed: Existing features in the area (and the proposed water tank) and descriptions of the types of potential uses and buildings. Illustrations/sight line sketches depicting the potential appearance of site from surrounding areas (especially any residential properties abutting the site).
  - ii. Possible mitigation: Layout of site and uses (restrictions on uses in certain areas and building height). Implement aesthetic and architectural standards, and potential required buffers.
- b. Potential Impact: The development of uses with the Agribusiness Park site could be inconsistent with the predominant architectural scale and character of the area.
  - i. Information needed: Documentation and visualizations of potential development scenarios.
  - ii. Possible mitigation: Site layout, landscaping/screening and architectural requirements that are consistent with Town of Evans code. Development of design guidelines consistent with the Town of Evans requirements for future structures developed with Agribusiness Park site.
- c. Potential Impact: Installation of site lighting fixtures that could change dark sky conditions.
  - i. Information needed: Anticipated extent and type of site lighting to be used on buildings and around site.
  - ii. Possible mitigation: Use of dark sky compliant lighting; limits on lighting intensity, proper orientation, number and height of fixtures and use of shielding that is consistent with Town of Evans code. Incorporating landscaping and lighting requirements that are consistent with the Town of Evans code

**3.7 Impacts on Historic and Archeological Resources**

- a. Potential Impact: The Project may impact historic and cultural resources in the area. However, as a result of the site's extensive prior site disturbance

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(much of the site was previously operated as an airport with associated drainage), impacts are expected to be minor.

- i. Information needed: Historic and cultural resource input from NYSOPRHP – CRIS submittal.
- ii. Possible mitigation: None at this time.

### **3.8 Impacts on Transportation**

- a. Potential Impact: The significance, likelihood and degree of impacts to this resource cannot be fully evaluated until the final mix of uses/occupants is presented. However, there will be increased volume of vehicular traffic (cars and trucks) utilizing Eden Evans Center Road and adjacent roadways and highways, including Interstate 90 and Southwestern Boulevard (Route 20) east of the site and Delamater Road, Erie Road (Route 5) west of the site.
  - i. Information needed: Existing road conditions and entrance locations. Traffic Impact Study that assesses potential impacts of proposed conceptual site development.
  - ii. Possible mitigation: Traffic/transportation system improvements and thresholds and phasing of these improvements as related to build-out of Project site and obtaining an Erie County Highway Access Permit from Erie County Department of Public Works.
- b. Potential Impact: Potential connection to existing rail line to the west of the project site via rail spur, and additional rail traffic/coordination related to access to site.
  - i. Information needed: An understanding of the feasibility of a rail connection from adjacent rail line into the Agribusiness Park site, and associated rail-related features.
  - ii. Possible mitigation: Coordination of rail traffic and access with Norfolk Southern (owner/operator of rail line) and potential Agribusiness Park customers.

### **3.9 Noise, Odor and Light Impacts**

- a. Potential Impact: Temporary impacts during construction may produce noise and dust exceeding the local ambient levels.
  - i. Information needed: Noise receptor locations and potential noise impacts from construction equipment.
  - ii. Possible mitigation: Limit construction hours and type of equipment.
- b. Potential Impacts: The significance, likelihood and degree of noise, odor, light impacts cannot be fully evaluated until the final mix of uses/occupants is presented.

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- i. Information needed: Types of potential uses and projected noise and odor generators. Potential impacts to surrounding residential properties.
- ii. Possible mitigation: Restrictions on uses and their location; use of earthen berms, and odor masking and noise attenuating requirements.

**3.10 Impacts on Public Health and Safety**

- a. Potential Impact: The significance, likelihood and degree of impact to the public health and safety from materials and chemicals that may be stored or handled at the Agribusiness Park site cannot be fully evaluated as the final mix of uses/occupants is unknown at this time. However, the significance and potential for the release of hazardous substances into the air, soil or groundwater in the area of the Project will be evaluated by assessing other typical agribusiness park and any associated releases that have occurred and any potential users of the site identified during the feasibility and marketing analysis.
  - i. Information needed: Description of potential users and types of materials that may be associated with use and/or stored on site. Phase I Environmental Site Assessment has already been performed on the property.
  - ii. Possible mitigation: Restrictions/limitations on the types of uses and materials stored at site. Potential avoidance of areas.

**3.11 Impacts on Community Character**

- a. Potential Impact: The implementation of the Project is intended to create jobs and revenues and will therefore have a positive impact to employment, municipal revenue and the economic vitality of the area and the agricultural character of the Town.
  - i. Information needed: Demographic and economic information; tax structure (Including potential PILOT's) and municipal budgets.
  - ii. Possible mitigation: Identification of appropriate uses for the District.
- b. Potential Impact: The proposed Project is intended to create a significant employment center that could impact the surrounding community in a positive manner.
  - i. Information needed: Potential employment possibilities.
  - ii. Possible mitigation: Unknown.
- c. Potential Impact: The proposed Project may potentially increase usage of community facilities.
  - i. Information needed: Identification of potential community service demands and documentation from community service providers.

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- ii. Possible mitigation: Project scope changes.
- d. Potential Impact: The proposed Project may create a demand for additional community services (police, fire, etc.).
  - i. Information needed: Identification of potential community service demands and documentation from community service providers.
  - ii. Possible mitigation: Project scope changes.

**3.12 Impacts on Public Utilities and Infrastructure**

- a. Potential Impact: The uses proposed within the Agribusiness Park site are not supported by existing infrastructure and will require expansion of infrastructure to the site (i.e., expanding water lines and expanding Erie County's Sewer District Number 2). Also, using a combination of traditional energy and renewable (sustainable) energy sources (e.g., rooftop solar), the opportunity exists to operate proposed uses conceptualized in the Master Plan without a significant extension/expansion of the electrical system into the site.
  - i. Information needed: Review and documentation of existing infrastructure (water, sewer, storm sewer, gas, electric and telecommunication [broadband]) in the area. Downstream sewer studies - which are currently being completed - and water system modeling data will be evaluated to understand the potential for impacts from extending infrastructure to the site. It should be noted that the Town of Evans recently approved the construction of a 180-foot water tower on the northwest portion of the site (to be shown on mapping/drawings) to improve the Town's water capacity, and as a result of that project have recent capacity/pressure studies and data that will support this analysis. Also, evaluate the potential to extend broadband high-speed service to the Agribusiness Park site, which will require an evaluation of existing broadband service adequacy and evaluation of gaps in service.
  - ii. Possible mitigation: Improvements to the infrastructure systems and changes to any districts. Phasing options for the installation of infrastructure. Evaluate requirements for implementation of energy saving measures, and other non-traditional (sustainable) energy alternatives. Use of battery/microgrid system to offset required electric infrastructure upgrades.

**3.13 Social and Economic Considerations**

Provide a discussion of social and economic benefits of the project (expanding upon the discussion in Section 1 of the DGEIS). Issues for inclusion in this discussion are as follows:

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1. Job creation
2. Taxes
3. Work Force development
4. Opportunities for Minority businesses
5. Programs for Equity and Inclusion
6. Food Policy issues

**3.14 Overall Impacts**

- a. Potential Impacts: Discussion of the cumulative impacts of external projects proposed for construction in the region that could when added to impacts from this project compound or increase other environmental effects.
  - i. Information needed: Information obtained from any external projects in the region.
  - ii. Possible mitigation: Unknown.
- b. Potential Impacts: Potential impacts that are unavoidable or that cannot be mitigated. Resource commitments that cannot be retrieved or impacts that may be irreversible.
  - i. Information needed: Identify potential unavoidable or irreversible impacts or issues, or the irretrievable commitment of resources that may not be satisfied through mitigation.
  - ii. Possible mitigation: Unknown – based on findings.
- c. Potential Impacts: Public controversy to the proposed Project.
  - i. Information needed: Identify possible concerns of surrounding property owners and Town residents.
  - ii. Possible mitigation: Unknown – based on findings.

**4.0 ALTERNATIVES TO BE CONSIDERED IN THE DGEIS**

The Proposed Action considered in the GEIS is the adoption of a Master Plan to guide redevelopment and operation of a 240 – acre Agribusiness Park in the Town of Evans and the extension of Erie County’s sewer district into the site. The Master Plan will develop and consider multiple scenarios.

The alternatives to the Proposed Action will include the “No Action” alternative; however, the remainder of the alternatives will be developed as part of the Feasibility Study Update as also informed by the on ongoing market analysis. Once the alternatives are developed, they will specifically be identified in the GEIS. These alternatives typically include alternative layouts of the site.

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**5.0 INFORMATION TO BE INCLUDED IN APPENDIX**

Only site-specific documents that are not readily available to the public will be included as appendices to the DGEIS. The following are examples of site-specific documents to be included as appendices to the DGEIS:

- Preliminary Wetlands Walkover Report
- Cultural Resource Investigation and New York State Office of Parks, Recreation and Historic Preservation Determinations
- Phase 1 ESA
- Sketch Plans for proposed layout and each alternative evaluated
- Other studies deemed relevant to the proposed action and alternatives
- Correspondences with agencies
- Other Information gathered and referenced in the DGEIS

**6.0 PROMINENT ISSUES RAISED DURING SCOPING THAT WILL NOT BE ADDRESSED**

None.

APPENDIX

**A. Positive Declaration**



**State Environmental Quality Review  
POSITIVE DECLARATION**

Notice of Determination of Significance and Intent to Prepare a Draft GEIS

**ERIE COUNTY AGRIBUSINESS PARK MASTER PLAN**

Town of Evans, Erie County, NY

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review - SEQR) of the Environmental Conservation Law.

On April 28, 2021, the Buffalo and Erie County Industrial Land Development Corporation (ILDC), as SEQR Lead Agency, determined that the proposed action described below may result in one or more large and important impacts that may have a significant effect on the environment, and that a Draft Generic Environmental Impact Statement should be prepared.

**TITLE OF ACTION:**

Erie County Agribusiness Park Master Plan  
Eden Evans Center Road, east of Delamater Road  
Evans, NY

**JURISDICTION:**

The project requires approval and funding from the Buffalo and Erie County Industrial Land Development Corporation. As this is a Master Plan, no other Agencies have approval powers at this time, but the other identified Interested Agencies will have approvals at future times. The Buffalo and Erie County ILDC, as the approval/funding agency, is acting as Lead Agency for SEQR purposes.

**SEQR STATUS:**

Type I Action

**DESCRIPTION OF ACTION:**

The proposed project is the adoption and implementation of a Master Plan for the Erie County Agribusiness Park that includes installation and construction of utilities and infrastructure in support of the future industrial and commercial development of the site.

**LOCATION:**

The project is located on the north side of Eden Evans Center Road, east of Delamater Road in the Town of Evans, Erie County, New York.

**REASONS SUPPORTING THIS DETERMINATION:**

**Impact on Land and Geological Resources:**

1. The project will result in the physical alteration of much of the site.
2. The project could involve construction over an extended period of time.
3. The project will impact the topographic conditions of the site.

### **Impact on Surface Water & Groundwater Resources:**

1. The project may impact protected and non-protected bodies of water.
2. The project may involve extensive paving and buildings that will result in large quantities of stormwater.
3. The Project will impact the existing drainage patterns.

### **Impact on Air Quality and Climate/Climate Change**

1. The proposed project will increase the land committed to commercial/industrial use; with an unknown mix of uses/occupants.
2. Dust from construction activities may impact adjoining areas.

### **Impact on Terrestrial and Ecological Resources**

1. Potential minor loss of habitat and plant communities from proposed Project may impact resident and migratory birds and other wildlife utilizing the area.
2. The proposed Project may impact threatened or endangered species or any species of special concern.

### **Impact on Land Use & Zoning, Community Plans, Open Space and Recreation, and Agriculture**

1. Potential incompatibility of the Project with local plans (Town's Comprehensive Plan/other plans [State, County and Regional Plans]) and Town zoning.
2. The proposed Project will cause a change in the density of land use and potential industrial/manufacturing uses on this property, and this level of development will need to be shown to be compatible with the surrounding rural area.

### **Impact on Aesthetic Resources:**

1. The proposed Project represents a land use that is different from current surrounding land uses (rural, residential, undeveloped areas, but also previous airport use).
2. The development of uses with the Agribusiness Park site could be inconsistent with the predominant architectural scale and character of the area.
3. Installation of site lighting fixtures that could change dark sky conditions.

### **Impacts on Historic and Archaeological Resources**

1. The Project may impact historic and cultural resources in the area.

### **Impact on Transportation:**

1. The significance, likelihood and degree of impacts to this resource cannot be fully evaluated until the final mix of uses/occupants is presented.
2. Potential connection to existing rail line to the west of the project site via rail spur, and additional rail traffic/coordination related to access to site.

### **Noise, Odor and Light Impacts**

1. Temporary impacts during construction may produce noise and dust exceeding the local ambient levels.
2. The significance, likelihood and degree of noise, odor, light impacts cannot be fully evaluated until the final mix of uses/occupants is presented.

### **Impacts on Public Health and Safety**

1. The significance, likelihood and degree of impact to the public health and safety from materials and chemicals that may be stored or handled at the Agribusiness Park site cannot be fully evaluated as the final mix of uses/occupants is unknown at this time.

### **Impact on Community Character**

1. The proposed Project may potentially increase usage of community facilities.
2. The proposed Project may create a demand for additional community services (police, fire, etc.).

### **Impact on Public Utilities and Infrastructure:**

1. The uses proposed within the Agribusiness Park site are not supported by existing infrastructure and will require expansion of infrastructure to the site (i.e., expanding water lines and expanding Erie County's Sewer District Number 2).

A public scoping session has been scheduled for May 18, 2021.

**LEAD AGENCY:**

**CONTACT:**

**Copies of this will be sent to:**

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