



**Buffalo and Erie County Industrial Land Development Corporation
Meeting of the Membership
December 20, 2023
At 12:00 p.m.**

**Offices of the ECIDA (New Location)
95 Perry Street, 4th Floor Conference Room
Buffalo, New York 14203**

- 1.0 Call to Order**
- 2.0 Approval of Minutes**
 - 2.1 Approval of the October 25, 2023 Meeting of the Membership Minutes (Action Item) (Pages 2-4)
- 3.0 Reports / Action Items / Information Items:**
 - 3.1 Financial Report (Informational) (Pages 5-8)
 - 3.2 Loan Status Report (Informational) (Page 9)
 - 3.3 Approval of DGEIS/Masterplan for Erie County Agribusiness Park (Action Item) (Pages 10-23)
- 4.0 Management Team Reports:**
 - 4.1
- 5.0 Adjournment- Next Meeting January 24, 2024**

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

DATE AND PLACE: October 25, 2023, at the Center of Excellence in Bioinformatics and Life Sciences (CBLIS), 701 Ellicott Street, The Event Space/Conference Room B2-205, located on the 2nd floor, Buffalo, New York 14203.

PRESENT: Hon. April Baskin, Daniel Castle, Hon. Howard Johnson, Richard Lipsitz, Jr. and Hon. Mark C. Poloncarz

EXCUSED: Denise Abbott and Hon. Byron W. Brown

OTHERS PRESENT: John Cappellino, President & CEO; Beth O’Keefe, Vice President of Operations; Gerald Manhard, Chief Lending Officer; Andrew Federick, Property & Business Development Officer; Atiqa Abidi, Accounting Manager; Soma Hawramee, Compliance Portfolio Manager, Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant/Assistant Secretary; Laurie Hendrix, Administrative Coordinator; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC

GUESTS: Zachary Evans on behalf of Erie County

There being a quorum present at 1:03 p.m., the Meeting of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation was called to order its Chair, Mr. Poloncarz.

MINUTES

Mr. Lipsitz moved, and Mr. Castle seconded to approve of the September 27, 2023 minutes. Mr. Poloncarz called for the vote and the minutes were unanimously approved.

REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Abidi presented the September financial reports. The balance sheet shows ILDC ended the month with total assets of \$17.8M (Grants receivable of \$9.2M, represents amounts awarded by several sources, the largest being Buffalo Billion II funds of

\$6.7M from Empire State Development. Liabilities are mainly deferred grant revenue of \$7.3M. Net assets total \$7.7M. One loan under the County Microloan program closed during the month. The September income statement shows \$1,700 of revenue, mainly loan interest income under the County's Microloan program. There were also \$1,900 of expenses and \$2,600 of special project revenue, resulting in net loss of about \$2,800 in September. The year-to-date income statement shows revenues of \$159,000 and expenses of \$58,000, included in this figure is \$10,000 of bond administrative fee revenue that was subsequently paid to ECIDA under the existing shared services agreement. Net special project revenue of \$261,000 leads to net income of \$362,000 so far in 2023. Mr. Poloncarz directed that the report be received and filed.

Finance and Audit Committee Update. Ms. Abidi reviewed the various processes of the ILDC budget development and confirmed formal budget approval will be presented at the October Board meeting. Ms. McDuffie directed that the report be received and filed.

Review of 2024 Budget Timetable and Approval of 2024 Proposed Budget. Ms. Abidi reviewed the budget review process. She stated that the ILDC held two Budget Q&A sessions since the last Board meeting and had some good insights and conversation around the process. Ms. Abidi also recommended the proposed 2024 budget be approved and explained the changes to the budget for 2024 and the budget itself. She stated there haven't been any changes to the 2024 budgeted amounts since the budget was reviewed last month. The 2023 projections were updated. For 2024 we are budgeting revenue of \$783,000, factoring in cost of land sales we have total revenue of (\$66,500), expenses of \$211,000, and net special project expenses of \$300,000. Special projects include Renaissance Commerce Park and the Angola Ag Park. After depreciation, budgeted net loss amounts to \$582,000. She also reviewed the 3-year forecast as required by the ABO. Mr. Johnson moved, and Mr. Castle seconded to approve the proposed 2024 budget. Mr. Poloncarz called for the vote and the proposed 2024 budget was unanimously approved.

Loan Status Report. Mr. Manhard provided this report to Committee members. Mr. Poloncarz directed that the report be received and filed.

3445 River Road Property Discussion. Mr. Lipsitz moved and Mr. Castle seconded to enter into Executive Session to discuss the contemplated sale/lease of real property publicity of which would substantially affect the value of the property. Mr. Poloncarz called for the vote and the motion was then unanimously approved.

At 1:10 p.m., the ILDC entered into Executive Session.

Upon motion made by Mr. Lipsitz and seconded by Mr. Castle, and unanimously approved, the ILDC terminated Executive Session at 1:28 p.m.

Mr. Johnson moved, and Mr. Lipsitz seconded to approve of providing MN8 Energy with an option to lease the ILDC property at 3445 River Road, Tonawanda, New York, said option providing MN8 Energy with time to conduct due diligence for purposes of potentially entering into a lease upon the same property, for purposes of installing a battery storage facility. General

discussion ensued. Mr. Poloncarz called for the vote and the following resolution was then unanimously approved.

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION (THE "ILDC") AUTHORIZING THE ILDC TO (i) EXECUTE AND DELIVER A NONBINDING TERM SHEET TO BE ENTERED INTO BETWEEN ILDC AND MN8 ENERGY ("MN8") FOR THE LEASE OF 3445 RIVER ROAD, TONANWANDA, NEW YORK AND (ii) NEGOTIATE AND EXECUTE AN OPTION AND LEASE AGREEMENT WITH MN8 IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE TERM SHEET

There being no further business to discuss, Mr. Poloncarz adjourned the meeting at 1:33 p.m.

Dated: October 25, 2023

Elizabeth A. O'Keefe, Secretary

Industrial Land Development Corp.

Financial Statements

As of November 30, 2023

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Balance Sheet

November 30, 2023

	November 2023	October 2023	December 2022
ASSETS:			
Restricted Cash *	\$ 417,333	\$ 897,594	\$ 1,255,405
Grants Receivable	9,191,178	9,191,178	10,212,072
Loans Receivable, net	693,495	667,480	559,404
Prepaid Expenses	1,824	3,647	31,500
Prepaid Acquisition Costs	695,443	695,443	692,934
Total Loan Assets	10,999,273	11,455,343	12,751,316
Capital Assets	6,358,485	6,358,424	6,174,218
Total Assets	\$ 17,357,758	\$ 17,813,767	\$ 18,925,534
LIABILITIES & NET ASSETS:			
Accounts Payable	\$ 0	\$ 0	\$ 824,129
Due to/(from) ECIDA	4,608,486	3,802,940	179,722
Other Liabilities	5,047,069	6,303,590	10,572,025
Total Liabilities	9,655,555	10,106,531	11,575,876
Restricted Fund Balance	7,702,203	7,707,236	7,349,658
Total Liabilities & Net Assets	\$ 17,357,758	\$ 17,813,767	\$ 18,925,534

Loan Portfolio Summary:	November 2023	October 2023	December 2022
# of Loans	40	39	36

* 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 November 2023

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Interest Income - Loans	\$ 1,500	\$ 1,083	\$ 416
Grant Income - Microloan Program	-	11,667	(11,667)
Proceeds from (Cost of) Land Sales	-	25,000	(25,000)
Other Income	-	-	-
Interest Income - Cash & Inv.	213	17	197
Total Revenues	1,713	37,767	(36,054)
EXPENSES:			
Management Fee - ECIDA	\$ 2,000	\$ 15,833	\$ (13,833)
Professional Services	1,805	5,417	(3,612)
General Office Expenses	0	17	(17)
Other Expenses	(260)	3,581	(3,841)
Total Expenses	3,545	24,848	(21,303)
SPECIAL PROJECT GRANTS:			
Industrial Land Park - ESD	662,534	217,696	444,838
Industrial Land Park - EDA	592,495	-	592,495
Industrial Land Park - ECIDA	-	5,833	(5,833)
Angola Ag Park - ECIDA Grant	-	8,333	(8,333)
Other grant revenue	1,529	23,609	(22,080)
Industrial Land Park grant reimbursement	-	(12,500)	12,500
Industrial Land Park costs	(1,256,855)	(223,529)	(1,033,326)
Angola Ag Park costs	(1,375)	(8,333)	6,959
Other grant expenses	(1,529)	(24,775)	23,247
	(3,201)	(13,667)	10,465
NET INCOME/(LOSS):	\$ (5,033)	\$ (748)	\$ (4,285)

* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on 2023 budget.

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")
Income Statement
Year to Date: November 30, 2023

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Interest Income - Loans	\$ 18,427	\$ 11,917	\$ 6,510	\$ 18,427	\$ 10,141	\$ 8,285
Grant Income - Microloan Program	129,000	128,333	667	129,000	393,352	(264,352)
Proceeds from (Cost of) Land Sales	-	275,000	(275,000)	-	(181,324)	181,324
Other Income	11,200	-	11,200	11,200	190,100	(178,900)
Interest Income - Cash & Inv.	3,556	183	3,374	3,556	328	3,228
Total Revenues	162,183	415,433	(253,250)	162,183	412,598	(250,415)
EXPENSES:						
Management Fee - ECIDA	\$ 57,600	\$ 174,167	(116,567)	\$ 57,600	\$ 215,000	\$ (157,400)
Professional Services	7,420	59,583	(52,163)	7,420	35,853	(28,432)
General Office Expenses	(0)	183	(183)	(0)	1,053	(1,053)
Other Expenses	(1,080)	39,394	(40,474)	(1,080)	2,021	(3,101)
Total Expenses	63,940	287,077	(223,137)	63,940	253,927	(189,987)
SPECIAL PROJECT GRANTS:						
Industrial Land Park - ESD	2,991,182	2,394,654	596,528	2,991,182	479,424	2,511,758
Industrial Land Park - EDA	2,330,734	-	2,330,734	2,330,734	-	2,330,734
Industrial Land Park - ECIDA	180,651	64,167	116,484	180,651	19,775	160,876
Angola Ag Park - ECIDA Grant	29,680	91,667	(61,986)	29,680	37,462	(7,782)
Other grant revenue	203,419	259,695	(56,276)	203,419	61,817	141,602
Industrial Land Park grant reimbursement	-	(137,500)	137,500	-	(103,625)	103,625
Industrial Land Park costs	(5,411,694)	(2,458,821)	(2,952,873)	(5,411,694)	(577,188)	(4,834,505)
Angola Ag Park costs	(16,112)	(91,667)	75,555	(16,112)	(14,484)	(1,628)
Other grant expenses	(53,559)	(272,529)	218,970	(53,559)	(61,817)	8,258
	254,302	(150,333)	404,635	254,302	(158,636)	412,938
NET INCOME/(LOSS):	\$ 352,545	\$ (21,977)	\$ 374,523	\$ 352,545	\$ 35	\$ 352,509

* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on 2023 budget.



Loan Status Report December 2023

<u>ILDC Loans Approved Since Last Meeting</u>	<u>Municipality</u>	<u>Amount</u>
None		
<u>ILDC Loans Closed Since Last Meeting</u>	<u>Municipality</u>	<u>Amount</u>
None		
<u>Loans in Closing Process</u>	<u>Municipality</u>	<u>Amount</u>
None		
<u>Loans in the Pipeline</u>	<u>Municipality</u>	<u>Amount</u>
None		

<u>2023 - Loans Closed</u>	<u>YTD Loan Total</u>	<u>Jobs to be Created</u>	<u>Retained Jobs</u>
8	\$280,000	7	12.5

Loan Portfolio Performance

Past Due Loans:

<u>Loan</u>	<u>Outstanding Balance</u>	<u>Amount Past Due</u>	<u>Days Past Due</u>	<u>Comments</u>
Kevin Thie d/b/a Buffalo Firewood	\$34,723	\$672.00	40	Borrower filed Chapter 7 bankruptcy: Pursuing legal action.

Portfolio Delinquency Rate (Past Due Outstanding Loan Balance *divided by* Portfolio Balance):

\$34,723 / \$1,173,262 = 3.0% Delinquency Rate (40 Loans)

ILDC Funds Available to Lend: \$76,517



MEMORANDUM

Date: December 20th, 2023

To: Buffalo and Erie County Industrial Land Development Corporation (ILDC)
Board of Directors

From: ILDC Staff

Re: Erie County Agribusiness Park – Approval of Draft Generic Environmental Impact Statement (DGEIS/Masterplan)

Summary

In 2020, the Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”) purchased 240 acres from private owners at the former Eden Angola Airport in the Town of Evans for purposes of establishing the Erie County Agribusiness Park (“Ag Park”). The ILDC, County of Erie (“Erie County”) and its partners are focused on attracting businesses to the park to establish facilities dedicated to agribusiness processing, storage and distribution creating new capital investment for the local economy and job creation for the local community.

Since 2021, the ILDC and Erie County have worked with design and engineering consultant Wendel on the development of a masterplan for the Ag Park. The masterplan includes comprehensive plans for utilities, a road network and development parcels as well as a Draft Generic Environmental Impact Statement (“DGEIS”) which assesses the potential significant environmental impacts associated with the proposed development.

Upon approval of the DGEIS by the ILDC board, a public comment period will commence during which the public and involved and interested agencies may submit written comments to the ILDC relating to the DGEIS from December 26, 2023 to January 24, 2024. The ILDC shall also hold a public hearing at the Town of Evans Town Hall, 8787 Erie Road, Angola, New York 14006, on January 18, 2024 commencing at 6:00 p.m. during which the public may submit comments and shall duly publish a notice of the hearing at least fourteen (14) days prior to the public hearing being conducted.

Upon completion of the public comment period, the ILDC will evaluate the comments and incorporate them into the DGEIS where appropriate. Once the evaluation and incorporation of the public comments is complete a Final Generic Environmental Impact Statement (“FGEIS”) will be prepared and brought back to the ILDC board for final approval prior to implementation.

Requested Action:

Seeking approval from ILDC board of directors for the Erie County Agribusiness Park Draft Generic Environmental Impact Statement.

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

A meeting of the Buffalo and Erie County Industrial Land Development Corporation was convened on Wednesday, December 20, 2023, 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 ("ILDC") ACCEPTING DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR A DEVELOPMENT MASTER PLAN OF APPROXIMATELY 242.03 ACRES OF LAND LOCATED AT 1526 EDEN EVANS CENTER ROAD IN THE TOWN OF EVANS, COUNTY OF ERIE, INTO AN AGRI-BUSINESS PARK FOR FUTURE AGRICULTURAL RELATED BUSINESSES

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (the "ILDC") desires to adopt and implement a master plan for the development of approximately 242.03 acres of land located at 1526 Eden Evans Center Road in the Town of Evans, County of Erie, which was the former site of the Evans-Angola Airport, into an agri-business park for future agricultural related businesses (the "Proposed Action"); and

WHEREAS, on March 26, 2021, the ILDC circulated a letter to potential involved and interested agencies declaring its intent to act as Lead Agency pursuant to the New York State Environmental Quality Review Act and its implementing regulations promulgated at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA") for the purpose of conducting a coordinated review of the Proposed Action pursuant to SEQRA; and

WHEREAS, upon receiving no objections from potential involved agencies, on April 28, 2021, the ILDC passed a resolution declaring itself Lead Agency, issuing a positive declaration requiring the preparation of a Draft Generic Environmental Impact Statement ("DGEIS") for the Proposed Action, and accepting a draft scoping document for the DGEIS pursuant to SEQRA; and

WHEREAS, a public hearing on the draft scoping document for the DGEIS was held on May 18, 2021; and

WHEREAS, on June 23, 2021, a final scoping document for the DGEIS was accepted by the ILDC; and

WHEREAS, pursuant to the final scoping document, a DGEIS has been prepared which assesses the potential significant adverse environmental impacts associated with the Proposed Action.

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

Section 1. Pursuant to 6 N.Y.C.R.R. § 617.9(a)(2) of the SEQRA regulations, the ILDC accepts the DGEIS as complete for the purpose of commencing the necessary public review of the DGEIS and directs that copies of the DGEIS be provided to all involved and interested agencies, as well as to any individual requesting a copy. The ILDC further directs that copies of the DGEIS be posted on the website located at www.ecidany.com and maintained at the ILDC offices.

Section 2. The ILDC shall prepare, file, and publish a Notice of Completion for the DGEIS in accordance with 6 N.Y.C.R.R. § 617.9(a)(3).

Section 3. Pursuant to 6 N.Y.C.R.R. §§ 617.9(a)(4) of the SEQRA regulations, a comment period during which the public and involved and interested agencies may submit written comments to the ILDC relating to the DGEIS shall extend from December 26, 2023 to January 24, 2024. The ILDC shall also hold a public hearing at the Town of Evans Town Hall, 8787 Erie Road, Angola, New York 14006, on January 18, 2024 commencing at 6:00 p.m. during which the public may submit comments and shall duly publish a notice of the hearing at least fourteen (14) days prior to the public hearing being conducted.

Section 4. The ILDC further directs that notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 5. This Resolution shall take effect immediately upon adoption.

ADOPTED: December 20, 2023.

Executive Summary

ES.1 Description of the Proposed Action

The Buffalo and Erie County Industrial Land Development Corporation (ILDC), acting as lead agency pursuant to the State Environmental Quality Review Act and its implementing regulations promulgated thereto in 6 NYCRR Part 617 (collectively referred to as SEQRA), has prepared this Draft Generic Environmental Impact Statement (DGEIS) to assess the potential environmental impacts that may result from the implementation and construction of the proposed Erie County Agribusiness Park (the “Project,” “Proposed Action,” or “Master Plan”).

The total Project site consists of 242.03 acres and is located on Eden Evans Center Road in the Town of Evans (the “Project Site”). The Project involves the adoption and implementation of a master plan for development of the Project Site and installation and construction of utilities and infrastructure in support of the future Agricultural related light industrial and commercial development of the Project Site.

It is anticipated that the Project will result in the use of a former on-site aircraft runway for installation of an on-site roadway, new water and sewer infrastructure, and new stormwater management facilities. Private utilities are also required to be constructed to support the future build-out of development parcels for agriculturally related commercial and light industrial opportunities. The number of businesses to be accommodated at the Project Site will depend upon demand and user needs.

It is anticipated that the Project will leverage alternative energy sources through the creation of a microgrid and will include trails and other greenspace amenities.

Thresholds and standards for future development will be established to help guide development in a manner consistent with the Master Plan and in a manner that mitigates potential environmental impacts.

ES.2 State Environmental Quality Review Act Process

A Full Environmental Assessment Form, Part 1, was completed by the ILDC in accordance with 6 NYCRR § 617(f) of the SEQRA regulations. The Proposed Action is classified as a Type 1 Action for the purposes of this SEQRA review. The ILDC circulated a lead agency solicitation letter on March 26, 2021, proposing to seek SEQRA lead agency status for the Project. On April 28, 2021, upon receiving no objections from potentially involved agencies, the ILDC resolved to assume designation as lead agency. A draft scoping document dated April 15, 2021, was prepared and circulated to the involved agencies and interested parties. A public scoping meeting was held on May 18, 2021. The final scoping document was issued by the ILDC on June 23, 2021.

ES.3 Environmental Assessment of Proposed Action

Section 3 of the DGEIS describes the existing environmental setting of the Project Site and identifies potential impacts from the preferred alternative: Option 1, full build-out of the Master Plan as a multi-site agricultural park. Portions of Section 3 analysis also consider and compare impacts of Option 1 to the

potential wetland/conservation area option: Option 2, partial build-out. Wherever possible, Section 3 of the DGEIS offers mitigation measures to reduce the magnitude of potential significant adverse impacts.

ES.3.1 Potential Adverse Environmental Impacts

Land Resources: Topography and Soils

The overall topography of the Project Site is relatively uniform, and site soils are characterized as poorly drained. Major portions of the natural topographic features across the Project Site have been previously disturbed as the property was utilized over the years as a small local airport. A runway and taxiways, a few small metal buildings, and roadways are present on the former airport property. The Project Site is categorized as currently vacant.

Portions of the Project's proposed development lots will be disturbed again as the Project Site is developed as an agricultural park with buildings, parking, new infrastructure and utilities, and/or landscaped green space. This disturbance will cause temporary, short-term impacts to land and soils associated with construction-related activities. Impacts will include earth-moving work to construct and install on-site infrastructure, including access roads and utility lines. Grading may be conducted at some locations to accommodate development. Future development is expected to include the construction of new structures, parking lots, stormwater detention ponds, landscaping, and other elements of development. This construction may result in site alteration to accommodate foundations, paved areas, and other features. Temporary construction impacts, such as generation of dust, erosion, or sediment run-off, may occur. The contractors will be required to follow the provisions of a Stormwater Pollution Prevention Plan (SWPPP) prepared in compliance with regulations of the New York State Department of Environmental Conservation (NYSDEC) during the course of on-site construction activities.

Land use on the Project Site will be changed permanently, and the amount of impervious surfaces at the Project Site will increase. Provisions regarding maximum lot coverage and required landscaping will be adhered to in accordance with the Town of Evan's zoning requirements. Tenants will be required to follow the provisions of the SWPPP during the course of site construction activities. Future developers will be required to comply with Town of Evans zoning regulations addressing maximum lot coverage and required landscaping. With these measures in place, no significant negative impacts to lands or soils are anticipated as a result of the Proposed Action.

Water Resources

Presently, no groundwater wells are located on the Project Site, and the Project Site is not located over a primary, principal, or sole-source aquifer. The Project Site contains several small surface water resources, consisting of two small ponds and an intermittent stream. Drainage ditches and culverts are also present within and around the existing on-site structures. The ditches are contoured into the landscape on the eastern side of the main runway to promote drainage from the impervious surface of the runway. Culverts in place under the runway carry natural surface water flows from adjacent areas. Because the ditches lack a scoured channel and an ordinary high-water mark, they do not meet the federal definition of a waterway and therefore are not considered surface waters.

The two small ponds are located west of the runway on the southern portion of the Project Site and to the north of the existing airplane hangar. These ponds comprise approximately 0.6 acre. No named streams are

present on the Project Site according to U.S. Geological Survey (USGS) topographic maps, but an unnamed tributary to Little Sister Creek is present in the southeastern corner of the Project Site. An on-site delineation of potential wetlands mapped approximately 632 linear feet of this stream. This delineation also determined the stream has intermittent flow and flows to the north, where it joins Little Sister Creek off site.

An initial review of the National Wetland Inventory (NWI) indicated the presence of three potentially regulated wetlands located on the Project site. Two of these potentially regulated wetlands are described as palustrine forested wetlands (PFO1B) and palustrine forested with scrub-shrub component (PFO/SS1B), and they are located in the northwestern quadrant of the Project Site. The third potentially regulated wetland is located on the southeastern quadrant and is described as a palustrine scrub-shrub wetland (PSS1C). The total acreage of potentially regulated wetlands that may be present on the Project Site according to the NWI maps is 13.6 acres. Despite the NWI maps identifying only 6 percent of the Project Site as potentially regulated wetlands, the walkover survey conducted in April 2021 identified a larger portion of the Project Site as potentially regulated wetlands. In light of the recent U.S. Supreme Court's decision in *Sackett v. U.S. Environmental Protection Agency*, and in order to better guide the design process and evaluate potential impacts, a further wetland delineation report was finalized in July 2023. A delineation of areas that could potentially be regulated state and federal wetlands was conducted over several days in November 2021 and again in July 2023. These on-site field surveys mapped a total of 89.26 acres of potentially regulated wetlands.

Importantly, and again in light of the U.S. Supreme Court's decision in *Sackett v. U.S. Environmental Protection Agency*, the surveys could not connect these potentially regulated wetlands to any permanent waterway that is a part of the stream network to a traditional navigable waterway. As such, the potential wetlands at the Project Site are assumed to be non-regulated under the Clean Water Act. As the Project progresses, an Approved Jurisdictional Determination will be sought from the U.S. Army Corps of Engineers to confirm this preliminary survey prior to the development of certain areas of the Project Site. According to NYSDEC wetlands maps, no wetlands are present at the Project Site that are subject to New York State regulation. Option 1 and Option 2 of the Master Plan for the site development reflects this issue, with Option 1 representing the potential wetlands being non-regulated and Option 2 representing these potential wetlands being regulated and avoiding them for development.

The Project, through construction of roads, buildings, and facilities, will increase the impervious surface area on the Project Site. Impervious surfaces reduce the ability of water to percolate into the soil, thereby reducing an area's contribution to recharging groundwater supplies. The quality of the water running off of impervious surfaces can also be degraded due to the presence of soluble pollutants such as nitrates and chlorides. Option 1 (full build-out) would convert 99 acres of land to impervious land, and Option 2 (partial build-out) would convert 48 acres to impervious land.

Because no Federal Emergency Management Agency mapped floodplains are present at the Project Site, no effects to floodplains will occur as a result of the Project.

Potentially regulated wetlands encompass a large area of the Project Site, and implementing the Project will have direct and indirect impacts to these potentially regulated on-site wetlands. The preferred alternative, Option 1, will have the most direct impacts to these potentially regulated wetlands, with approximately 51.30 acres of potentially regulated on-site wetlands being impacted, dredged, or filled. However, 100

percent of these 51.30 acres will most probably be categorized as federally non-regulated wetland, as they do not have a significant nexus to surface waters.

The Project may have indirect impacts to these potentially regulated wetlands by changing surficial and groundwater flows to potential regulated wetlands adjacent to developed areas on site and off site. The amount and direction of the flows may be altered by the Project, resulting in localized changes to the hydroperiod within these potentially regulated wetlands. This may cause changes in the local plant communities to species more tolerant of frequent ponding or to those more tolerant of drier conditions. These potentially regulated wetlands may also receive an increase in sedimentation, nutrients, and pollutants within runoff from the Project, which can also create changes in these potentially regulated wetlands that result in additional localized plant community shifts. Habitat fragmentation is another indirect wetland impact that several of these potentially regulated wetlands could experience from implementing the Project. Wetlands A–North, D, and E extend outside of the Project boundaries. Impacts to these potentially regulated wetlands reduce the overall size of the wetland area and cause fragmentation of it. This fragmentation can decrease the ecological services the wetland provides to the watershed and allow for the colonization of invasive species. The project design and mitigations will help to reduce these impacts.

It is anticipated that the Project Site will require permanent stormwater retention and treatment measures to mitigate the impervious surface impacts. Per the *New York State Stormwater Design Manual (2015)*, green infrastructure practices such as preserving forested areas, utilizing vegetation buffers, open space design, and rain gardens will be used whenever practicable. The Project Site will be designed and built to meet state stormwater performance standards, thus minimizing impacts on groundwater quantity and quality.

It is expected that over one acre of ground disturbance will occur; therefore, a SWPPP will be prepared and implemented during construction. The SWPPP will comply with the requirements of the New York State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This will ensure that stormwater discharges such as silt-laden runoff that could occur during construction will not have an adverse impact on neighboring surface waters.

Air Quality and Climate

Impacts to air quality may occur from vehicular exhausts. Based on the traffic impact analysis studies, traffic is not anticipated to exceed that of the average annual growth rate for the area; therefore, vehicle-related emissions impacts are anticipated to be minimal, and no significant adverse impacts are expected. During construction, dust may increase, but it is anticipated to be temporary in nature and will not occur over prolonged periods of time. Should tenants propose any use that requires a state or federal air quality permit, or if the proposed use requires air modeling and analysis, adherence to the necessary steps for obtaining the air permit would be required, including adoption of mitigation measures or testing or modelling.

In addition, the Town of Evans Zoning Code regulates air quality by requiring that all industrial districts, which includes the Project Site (zoned Light Industrial [LI]), curb air pollution (Town of Evans 1987). Section 200-26(C)(1) requires that “the emission of smoke, soot, fly ash, fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and quantity deposited shall not be detrimental to, or endanger, the public health, safety, comfort or welfare or adversely affect property

values.” Section 200-26(C)(8) requires that “the emission of toxic, noxious or corrosive fumes or gases which would be injurious to property, vegetation, animals or human health at or beyond the boundaries of the lot occupied by the use shall not be permitted.” Therefore, future uses of the Project’s proposed lots by future tenants must adhere to all aspects of the Town of Evans Zoning Code and are not anticipated to significantly impact air quality.

The Project intends to be, to the extent feasible, electric/renewable/battery powered, which could potentially offset the fossil fuel emissions generated from the vehicles and equipment used for Project construction. Coordination with the Erie County Department of Environment and Planning to ensure that the Project and its tenants comply with the county’s climate action and sustainability initiatives will help avoid, minimize, and potentially mitigate any climate change impacts associated with the Project.

Terrestrial and Ecological Resources

No rare, threatened, or endangered species are known to occur at the Project Site or within the vicinity of the Project Site. Northern long-eared bat, a federally and state endangered species, could be utilizing the forested areas on the Project Site during the spring and summer months. Inadvertent impacts to this listed species can be avoided by conducting tree clearing activities between November 1 and March 31 when the bats are hibernating offsite. Habitat is not a limiting factor for this species therefore loss of forestland at the Project Site will not have an adverse effect on this species. The Project Site lacks significant, unique or rare natural communities as well. The implementation of the Master Plan and subsequent site development will not result in significant adverse impacts to those natural communities or listed species when adhering to tree clearing restriction dates.

Subsequent build-out of the individual development lots will result in the loss of forestland and the preservation of greenspace which will include wetlands and forestland. The forest types found at the Project Site are common forest types for the region and forestland is in abundance in the region. The resulting impacts will not have an overall effect on the regional ecology and land cover. It will have an impact on the local wildlife individuals who currently utilize the Project Site as habitat. The Project Site is relatively small compared to a regional/landscape scale necessary to support wildlife assemblages.

Wildlife on and in the vicinity of the Project Site is typical of wildlife found in suburban and rural areas in Western New York. Development of the Project Site will result in temporary and permanent impacts to wildlife resources and habitat. How wildlife responds to construction and operation of the Project is species dependent. In general, less mobile species will have high mortality whereas more mobile species will retreat during construction, and many will return and interact on the Project Site differently than before. The lawn and landscaping around the facilities within the Project will provide different habitat for wildlife and change how many wildlife species currently utilize the Project Site. There will be less natural cover and food resources once the Project is implemented.

Land Use, Zoning, and Agriculture

The Master Plan for this site will allow a currently vacant and commercial/industrial designated land use to be redeveloped with new and varied light industrial uses to support agriculture in the County. The Project Site has remained predominantly vacant for the past 20 years and contains a former airport hangar building, a mechanic’s shop, and an airport runway. Recently, a new Water Storage Tank and related infrastructure has been constructed at the project site.

The Comprehensive Plan for the Town of Evans supports the zoning of this site and the development of this Agricultural Industrial Park. The Project Site is zoned light industrial (LI), which meets the intent of this project. The Master Plan is consistent with the allowable land uses and dimensional requirements for this district. Meeting the applicable zoning requirements would minimize potential impacts to land use, visual resources, and noise and air quality guidelines. The proposed use of the Project Site for Light Industrial uses will not result in significant adverse impacts to the surrounding community.

Presently, the Project Site is not actively farmed and, due to the quality of the Project Site, has not been used for agriculture in many years. However, the Project Site is located within 500 feet of the Southwest #8 Agricultural District (Erie County 2021), and it is required that projects within an agricultural district or within 500 feet of a farm operation that is located in an agricultural district prepare an agricultural data statement. This rule is applicable for projects seeking an application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval.

The Project will have a positive impact on agricultural resources in the Town of Evans and Erie County because it will support the processing and transportation of agricultural products grown throughout the region.

Aesthetic Resources

Land uses in the vicinity of the Project Site are a mix of rural residential and open space. Some other commercial/industrial uses are located along Eden Evans Center Road. It is anticipated that at least some of the new construction for the Project will be visible from Eden Evans Center Road. The Project will present a different character from the existing use and from adjoining land uses. Future development will include new commercial/industrial/warehouse structures, parking lots, and ancillary structures in place of open and wooded lands. The existing views are of dilapidated metal buildings that do not contribute to the visual character of the area. Future development will be governed by the Town of Evans' zoning code, which addresses maximum lot coverage and landscaping requirements. The Project is consistent with the Town of Evans' comprehensive plan and its zoning, and with other similar uses within the town.

No existing significant aesthetic resources were identified and therefore, none would be affected by the Project. No significant views will be eliminated, and no officially designated scenic resources are located nearby. It is expected that the new buildings of the Project will be relatively low-profile, one- or two-story buildings, helping to mitigate their visibility and impacts to aesthetics.

There are some existing residential uses near the front of the project site along Eden Evans Center Road and the project design (buffers, landscaping and Town design requirements) will reduce visual impacts to these adjoining uses.

Future development will be subject to site plan review by the Town of Evans Planning Board, and developers will be required to comply with zoning regulations. Potential mitigations could include restrictions on building heights and/or implementation of architectural standards, especially for buildings visible from Eden Evans Center Road. Screening and landscaping will be in accordance with the town's zoning requirements.

With these measures in place, no significant negative impacts to aesthetic resources are anticipated as a result of the Proposed Action.

Historic and Cultural Resources

A Phase 1A archaeological survey was prepared in response to a request by the New York State Office of Parks, Recreation and Historic Preservation/State Historic Preservation Office (SHPO). This Phase 1A survey, prepared in June 2021, concluded that no historic properties or sensitive archaeological or historic resources will be affected by the Project development. A potentially sensitive archaeological area was noted on the southern portion of the Project Site, but it will be avoided during construction. Therefore, it is anticipated that implementation of the Master Plan and build-out of the individual development sites, either fully or partially, will not result in any significant adverse impacts. Consequently, no mitigation measures for cultural resources are required.

Transportation

A Traffic Impact Study (TIS) was completed by Wendel Engineering to evaluate the existing local vehicular transportation network and to assess potential impacts the Project would have on local traffic. In order to quantify potential impacts to the transportation network, the quality of traffic flow was assessed in terms of levels of service (LOS). The preferred alternative, Option 1, will have the most impact on traffic and require more extensive mitigation, including signalization of the intersection of Eden Evans Center Road and the Project Site access road, and the addition of dedicated left turn lanes to the eastbound and westbound approaches of the intersection of Eden Evans Center Road and US Route 20. Option 2 will have a minor impact on traffic; the only mitigation required will be optimization of the signal at the intersection of Eden Evans Center Road and US Route 20. The project development will be phased to allow for these improvements/mitigations when warranted.

The site also has access to a railroad and the potential for a railroad spur has been accommodated into the Master Plan for option 1.

Public Utilities and Infrastructure

With improvements to existing distribution systems, adequate natural gas, electric, water, and telecommunications/telephone/cable services are available to support the Project. Improvements (storage tank and waterlines) to the water system have already been completed and will service this site. However, it was determined that there is limited capacity at the Big Sister Creek Water Resource Recovery Facility (WRRF). Without upgrades to the WRRF, only 100,000 gallons per day (peak daily flow) of sewer capacity may be available for the Project, based on monthly discharge limits.

One of the proposed improvements, when warranted, is the construction of a new 15 kV substation to serve the Project Site, which has the potential to be part of a micro-grid, a self-sufficient energy system that uses distributed energy, such as solar panels, wind turbines, battery storage and other technologies to produce and store power.

The Project will increase the amount of solid waste generated by the Project Site as the Project Site is currently unoccupied. As individual developments are built out, they will be responsible for contracting for solid waste collection and complying with Chapter 168 of the Evans Town Code, as well as NYSDEC

regulations if small quantities of regulated hazardous waste are generated. No solid waste will be disposed of on site.

Natural gas would need to be extended to the site, but at this time, there are no plans to extend this service to the site.

As the Project will alter drainage patterns on site, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and enacted, using a “regional” stormwater management approach. As individual developments are built out, they may be required to implement their own supplemental stormwater management practice.

Noise, Odor, and Light

At present, noise at and around the Project Site is largely associated with current low-density rural residential and agricultural activities, including farm equipment operation, the times of which vary depending on crop and season. Intermittent noise is also generated from vehicles traveling along Eden Evans Center Road. The Project Site is relatively isolated from many residential noise receptors. The closest residences are at the south of the property on Eden Evans Center Road adjacent to the Project Site. 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 may increase the current noise levels associated with on-going operations of surrounding businesses. However, because the anticipated uses in the Project are permitted uses in the existing town zoning code and will be required to adhere to Section 200-26(C)(6) of the Town of Evans zoning code, a detailed noise study is not recommended. If further assessment is warranted due to the proposed location or type of uses, then a noise study should be completed in adherence with NYSDEC noise policy as part of site plan review.

Construction activities for the Project 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 operations. However, construction is anticipated to be limited to “normal business hours,” from about 8:00 am to 6:00 pm.

Current odors present at the Project Site are generally nonexistent, but when they are present, they are consistent with those of rural areas and agricultural operations. The Town of Evans regulates odors in its zoning code Section 200-26(C)(7), which applies to all industrial properties (the Project Site is zoned LI): *Odorous matter. The emission of odorous matter so as to produce a public nuisance beyond the lot occupied by the use shall not be permitted.* Proposed uses for the Project Site are not anticipated to have a significant adverse effect.

Project construction followed by the operation of commercial tenants on the Project Site will increase the amount of artificial light emitted throughout the Project Site. Currently, no artificial light is emitted from the Project Site except around the buildings along the Eden Evans Center Road boundary, so all additional lighting will have some noticeable impact on the Project Site at night. All construction activities and commercial tenant operations must adhere to the Town of Evans zoning code light requirements. Although adding artificial lights to the buildings, roadways, and parking lots is needed for safety, lighting will be reduced as much as possible to avoid disturbance to nearby wildlife and other natural processes occurring in and around the Project Site boundaries.

Public Safety

The demand for public safety services (police, medical, and fire protection) may increase as facilities are constructed and employment increases. This demand is not anticipated to increase significantly above a level where additional public safety resources would be necessary.

Socioeconomic Conditions

Implementation of the Master Plan and future build-out of the individual development sites will not create substantial population growth within the Project Site. However, the Project is expected to generate direct and indirect positive economic effects through increased employment opportunities and can be considered a catalyst for economic development that may result in some limited population growth in the local area and region.

According to the ECIDA Agribusiness Park Employment Impact Statement, under the Preferred alternative (maximum build-out of the individual development lots) may add a total of approximately 5,849 one-time construction jobs (Assuming a three-year construction timeframe, the estimated annual impact is approximately 1,950 jobs per year). In addition, according to order-of-magnitude employment yields published by National Association for Industrial and Office Parks (NAIOP), the Project may add approximately 803 permanent jobs upon achieving stabilized operations in Year 3 to Year 5 (Wildan Financial Services).

Overall, 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 of them is deemed necessary.

Community Facilities and Services

Development at the Project Site will have minimal to no impact on community facilities and services; therefore, no mitigation measures are deemed necessary.

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 caused by 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 best management practices (BMPs), such as use of mulch, water sprinkling, and wind barriers.

Significant Unavoidable Adverse Impacts

Certain environmental impacts associated with the Proposed Action are unavoidable. Unavoidable adverse impacts have been reduced to the 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 Proposed Action include:

- Conversion of 99 and 48 acres of land to impervious land cover from Option 1 (full build-out) and Option 2 (partial build-out), respectively (i.e., conversion to buildings, parking lots, and roads).

- Changes to the existing drainage conditions caused by the increase in impervious surface area and potential impacts from erosion and sedimentation of local drainageways.
- Short- and long-term impacts to the existing noise setting due to construction and operation of the developed properties.
- Change in land use from vacant and commercial to LI, as permitted by the Town of Evans' zoning code.
- Changes to the visual setting of the Project Site.
- Minor increases in local traffic.
- 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 emissions. In addition, construction activities may increase the potential for limited drainage problems, although implementation of BMPs will ensure these problems are minimized.

Irreversible and Irretrievable Commitment of Resources

The Project will require some irreversible and irretrievable commitment of certain material, natural, and financial resources. Existing vacant and open-space lands and some current 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 construction 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.

Growth-Inducing Impacts

Implementation of the Master Plan and build-out of the individual development lots are 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 easily be absorbed by vacant lands and underdeveloped properties, and redevelopment of existing structures and lands, within the Town of Evans and surrounding communities. Therefore, the Project is not anticipated to result in significant negative impacts to the surrounding area or the Town of Evans as the result of further growth in the community.

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 this DGEIS that necessitates additional SEQRA review would also be required to address potential cumulative impacts.

Additionally, 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 this DGEIS 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.

ES.4 Alternatives Considered

Preferred Alternative: Option 1, Full Build-Out: The preferred alternative is the implementation of the Master Plan for the full build-out of an agriculture light industrial park in order to advance the ILDC's economic and community development goals. Maximum build-out of the individual development lots is expected to create approximately 1.89 million square feet of office, controlled growth facility, and cold storage facility space. 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 full build-out of the Project Site. The potential impacts of implementation of the Master Plan and future build-out 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.

Potential Wetland/Conservation Area Option: Option 2, Partial Build-Out: This alternative is designed to be flexible in terms of building lot placement and configuration, and road and utility layout. Option 2 was developed for implementation if site conditions warrant fewer lots being feasible for construction and development, and the net developable area is reduced. Differences under these scenarios would result in fewer lots being developed and a reduction in the overall length of roads and extent of utility installation required.

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 property 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.

The no-action alternative would result in economic uncertainties and does not meet the ILDC's objectives to obtain shovel-ready certification and market the Project Site for development as an agribusiness park; therefore, it was considered but not selected as the preferred alternative.