

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

Amazon.com Services LLC and an entity formed or to
be formed on its behalf*

(Applicant Name)

6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

Phone: 716-278-8760 Fax: 716-278-8769

<http://niagaracountybusiness.com>

*Amazon.com Services LLC would be tenant operator of the facility
and the entity formed or to be formed would be the fee owner of the
facility.



- I. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- II. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- III. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs*, including but not limited to public hearing expenses or as separately agreed to between the Applicant and the Agency. Upon request, a fee summary will be provided to each applicant. (*out of pocket costs)
- IV. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic protected by law.

6311 Inducon Corporate Drive, Suite One ■ Sanborn, NY 14132-9099 ■ 716-278-8760
Fax 716-278-8769 ■ www.niagaracountybusiness.com



NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

Company Name: See Attachment A

Mailing Address: _____

City/Town/Village & Zip code: _____

Phone: _____

Website: _____

Fed Id. No.: _____

Contact Person, and Title: _____

Email: _____

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Corporate Structure (attach schematic if applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members _____)

Date of organization: _____

State of Organization: _____

Sole Proprietorship

If a foreign organization, is the applicant authorized to do business in the State of New York?



Applicant's Counsel

Company Name: See Attachment A

Contact Person, and Title: _____

Mailing Address: _____

City/Town/Village & Zip code: _____

Email: _____

Phone: _____

Fax No.: _____

II. PROJECT INFORMATION

A) Project Address: 8995 Lockport Road, Niagara Falls, NY

Tax Map Number (SBL) See Attachment B
(Section/Block/Lot)

SWIS Number See Attachment B

Located in City of See Attachment B

Located in Town of See Attachment B

Located in Village of See Attachment B

School District of See Attachment B

B) Current Assessment of Property:

Land See Attachment B

Total See Attachment B

C) Present legal owner of the site Gotham Homes 18 LLC

If other than from applicant, by what means will the site be acquired for this project?

D) Describe the project:

Development, construction and operation of an approximately 3,000,000 square foot
e-commerce storage and distribution facility, together with related site improvements,
on an approximately 217 acre, decades-long vacant parcel of land located at
8995 Lockport Road, Niagara Falls, NY.

1. Project site (land)

(a) Indicate approximate size (In acres or square feet) of project site.

217 acres

(b) Indicate the present use of the project site.

Industrial



2. Indicate number, size (in square feet) and approximate age of existing buildings on site

None

3. Does the project consist of the construction of a new building or buildings?
If yes, indicate number and size (in square feet) of new buildings.

Yes, one building would be approximately 3,000,000 square feet.

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation.

No

5. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

Co-Applicant Amazon.com Services LLC would occupy 100% of the Project Facility.

6. List principal items/categories of equipment to be acquired as part of the project.

Material handling equipment, Building systems, new building construction materials.

7. Has construction work on this project begun?

No See Exhibit A

E) Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

Yes or No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York?

Yes or No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes or No

If Yes to any of the questions above, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

N/A



F) Furnish a copy of any environmental application presently in process of completion concerning this project, providing name and address of the agency, and copy all pending or completed documentation and determinations. Previously provided under separate cover. The Town of Niagara, as SEQRA Lead Agency, issued a Negative Declaration with respect to the Project on June 21, 2022. The Negative Declaration is attached hereto within Attachment D to this Application.

III. **SOURCES & USES OF FUNDS** * The sources and uses depicted in Section III(A), below, are the sources and uses for the fee owner entity formed or to be formed, on behalf of Amazon.com Services LLC. See Attachment A for Amazon.com Services LLC sources and uses.

Property Acquisition	\$	0
Construction (Improvements)	\$	450,000,000
Equipment Purchases/Fixtures/Furnishings	\$	0
Soft costs (i.e. engineering, architectural)	\$	0
Other (describe)	\$	0
TOTAL USES OF FUNDS	\$	450,000,000

B) Sources of Funds for Project Costs (*Must match above Total Uses of Funds*):

* This is inclusive of both the fee owner entity formed or to be formed, on behalf of Amazon.com Services LLC and Amazon.com Services LLC

Bank Financing	\$	473,000,000
Equity	\$	77,000,000
Grants/Tax Credits	\$	0
Taxable or Tax Exempt Bond	\$	0
Other	\$	0
TOTAL SOURCES OF FUNDS	\$	550,000,000

C) Identify each state and federal grant/credit:

	\$	
	\$	
	\$	
	\$	
TOTAL PUBLIC FUNDS	\$	



VI. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300)("JPTA") in which the project is located.
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JPTA Entities for new employment opportunities created as a result of the proposed project.
- C. Compliance with Section 224-a(8)(a) of N.Y Labor Law. The applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. You further acknowledge and understand that you have certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor.
- D. Annual Sales Tax Filings: In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the Applicant.
- E. Annual Employment Reports: The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.


- F. Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
- § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- G. Compliance with Applicable Laws: The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein described.

The Applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading. The foregoing representations are made as of the date of this Application and are made on the actual knowledge of the Applicant and the individual executing this Application on behalf of Applicant.

STATE OF NEW YORK)
COUNTY OF) ss.:

Holly Sullivan, being first duly sworn, deposes and says:

1. That I am the VP Economic Development, Public Policy Amazon
(Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

DocuSigned by:

 C049593F2FA7404...
 (Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this ___ day of _____, 20__.

(Notary Public)

This Application should be submitted to the Niagara County Industrial Development Agency, 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.

Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

HOLD HARMLESS AGREEMENT

Applicant hereby releases the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, and (B) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and reasonable attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all out of pocket costs incurred by the Agency in processing of the Application, including reasonable attorneys' fees, if any. Notwithstanding anything contained herein to the contrary, the foregoing indemnities shall not be applicable with respect to misconduct, negligence, or criminal activity on the part of the Agency. It is understood and agreed that the Applicant has the right to join in any defense, and participate in the management of the defense, of any claim for which the Agency seeks indemnification.

In addition to the foregoing, the Applicant understands and acknowledges that (i) this application does not create or give rise to any legal obligations on the part of the Niagara County Industrial Development Agency (the "Agency") or the Applicant except as expressly stated herein, (ii) the terms and conditions governing the award of the financial assistance described herein will be set forth in a separate agreement(s), with the Agency, the form of which will be provided to the Applicant only upon the processing and approval of this application, (iii) the requested financial assistance described in application is based upon the representations made by the Applicant, based upon the Applicant's actual knowledge as of the date of this application, to the Agency, regarding the project, and (iv) that the Agency reserves the right to revise the financial assistance described in this application if any aspect of the project changes after receipt of the application, including changes to the number of jobs, amount of capital investment, or wages, by way of example only. In addition, the Applicant reserves the right to retract, clarify, amend or modify any such representations made prior to (or concurrently with) the submittal of this application to the Agency.

DocuSigned by:
Holly Sullivan
6049593F2FA7404...

(Applicant Signature)

By: _____

Name: Holly Sullivan

Title: VP Economic Development, Public Policy

(Notary Public)

Sworn to before me this ____ day

[stamp]

of _____, 20__.



Real Property Tax Benefits (Detailed):

** This section of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$450,000,000	\$157,500,000	13.693901	4.896033	41.935943

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$ 215,679	\$ 77,113	\$ 660,491	\$ 953,283	\$ 9,532,826	\$ 8,579,543
2	10%	\$ 215,679	\$ 77,113	\$ 660,491	\$ 953,283	\$ 9,532,826	\$ 8,579,543
3	10%	\$ 215,679	\$ 77,113	\$ 660,491	\$ 953,283	\$ 9,532,826	\$ 8,579,543
4	10%	\$ 215,679	\$ 77,113	\$ 660,491	\$ 953,283	\$ 9,532,826	\$ 8,579,543
5	10%	\$ 215,679	\$ 77,113	\$ 660,491	\$ 953,283	\$ 9,532,826	\$ 8,579,543
6	10%	\$ 215,679	\$ 77,113	\$ 660,491	\$ 953,283	\$ 9,532,826	\$ 8,579,543
7	10%	\$ 215,679	\$ 77,113	\$ 660,491	\$ 953,283	\$ 9,532,826	\$ 8,579,543
8	20%	\$ 431,358	\$ 154,225	\$ 1,320,982	\$ 1,906,565	\$ 9,532,826	\$ 7,626,261
9	30%	\$ 647,037	\$ 231,338	\$ 1,981,473	\$ 2,859,848	\$ 9,532,826	\$ 6,672,978
10	40%	\$ 862,716	\$ 308,450	\$ 2,641,964	\$ 3,813,130	\$ 9,532,826	\$ 5,719,695
11	50%	\$ 1,078,395	\$ 385,563	\$ 3,302,456	\$ 4,766,413	\$ 9,532,826	\$ 4,766,413
12	60%	\$ 1,294,074	\$ 462,675	\$ 3,962,947	\$ 5,719,695	\$ 9,532,826	\$ 3,813,130
13	70%	\$ 1,509,753	\$ 539,788	\$ 4,623,438	\$ 6,672,978	\$ 9,532,826	\$ 2,859,848
14	80%	\$ 1,725,432	\$ 616,900	\$ 5,283,929	\$ 7,626,261	\$ 9,532,826	\$ 1,906,565
15	90%	\$ 1,941,110	\$ 694,013	\$ 5,944,420	\$ 8,579,543	\$ 9,532,826	\$ 953,283
TOTAL		\$ 10,999,626	\$ 3,932,739	\$ 33,685,046	\$ 48,617,411	\$ 142,992,384	\$ 94,374,974

*Estimates provided are based on current property tax rates and assessment value

Attachment A

NCIDA Application for Financial Assistance: Co-Applicant Information

This Attachment is provided to address certain sections/questions related to the Application for Financial Assistance as applicable to co-applicant [Amazon.com](#) Services LLC, being the tenant operator of the facility, and the co-applicant fee owner of the facility to be constructed and owned by an entity that is formed or to be formed on behalf of Amazon.com Services LLC. Amazon.com Services LLC will be the tenant operator within the project facility and is submitting this application as co-applicant for the purpose of seeking a sales and use tax exemption for the purchase of certain items of machinery and equipment that it will ultimately own, but that will be installed within, the project facility. The fee owner co-applicant, being the entity formed or to be formed on behalf of Amazon.com Services LLC, is submitting this application for purposes of seeking a sales and use tax exemption for construction of the project facility, a mortgage recording tax exemption for purposes of financing the construction of the project facility, and a real property tax exemption benefit as so related to the project facility.

Section I. Applicants Information

[Amazon.com](#) Services LLC
410 Terry Ave. North
Seattle, WA 98109

FEIN: 82-0544687

Contact Name: Brad Griggs
Title: Senior Manager
Phone: 646-927-6819
Email: brgriggs@amazon.com

Principal Owners: [Amazon.com](#) Services LLC is a wholly-owned subsidiary of [Amazon.com](#), Inc., a publicly-traded [company](#). [Amazon.com](#), Inc. lists [Amazon.com](#) Services LLC as a "significant subsidiary" in its annual 10-K filing with the SEC.

Form of Entity: Limited Liability Company.
Date of Organization: 1999
State of Organization: Delaware

Applicants' Legal Counsel:

Robert G. Murray, Esq.
Harris Beach PLLC
726 Exchange Street
Buffalo, New York 14210
716-200-5180
Email: bmurray@harrisbeach.com

Section II(D)(7).

Amazon.com Services LLC anticipates that approximately 300 construction workers will be utilized to facilitate Project construction/development. Most recently, Amazon.com Services LLC has been a co-applicant with respect to similarly sized (square footage and costs) projects in Onondaga County, completed in May, 2022, and in Monroe County, currently under construction. Both projects utilized Industrial Development Agency Financial Assistance, and both the Onondaga County IDA and the Monroe County IDA required the use of local labor. Due to a documented lack of workers residing in the Onondaga County IDA and the Monroe County IDA local work force areas, actual local labor usage for the Onondaga County IDA and the Monroe County IDA projects were both 70%. Based upon these two recent, and real-time examples of the need to utilize out of area workers, and in addition, due to on-going and continued, foreseeable, COVID-19 work-force disruptions, and, in addition, due to the current and anticipated number of construction projects occurring in the Niagara County IDA local labor area that are already utilizing, and will utilize, workers residing within the Niagara County IDA local labor area, the co-applicants anticipate that local labor usage for this Project will be approximately 70%, and request that the Agency approve that the Project will have 70% of all Project employees of the general contractor, subcontractor, or subcontractor to a subcontractor working on the Project permanently reside within the Niagara County IDA Local Labor Area.

Section III. Sources and Uses of Funds: Co-applicant Amazon.com Services LLC

Property Acquisition	
Construction (Improvements)	
Equipment Purchases/Fixtures/Furnishings	\$100,000,000
Soft Costs	
Other (describe)	
Total	\$100,000,000



Attachment B**Amazon.com Project Information**

Property Address	Tax Map #	SWIS #	City, Town, Village, School District	Current Property Assessment Land and Total
Packard Road	132.18-1-2	293000	Town of Niagara/Niagara Wheatfield District	\$80,300
Haseley Drive	146.05-1-9	293000	Town of Niagara/Niagara Wheatfield District	\$10,300
Tuscarora Road	146.06-1-1	293000	Town of Niagara/Niagara Wheatfield District	\$127,000
Tuscarora Road	146.06-1-2	293000	Town of Niagara/Niagara Wheatfield District	\$101,400
Grand Total				\$319,000

Attachment C

NCIDA Application for Financial Assistance: Joint Applicant Information

Section IV. Financial Assistance Requested

Amazon.com Services LLC, on behalf of the fee owner entity formed or to be formed on its behalf, requests a sales tax exemption benefit estimated in the amount of \$18,000,000 (said amount being the product of (i) estimated expenditures of approximately \$225,000,000 being subject to sales tax and (i) 8%).

Amazon.com Services LLC, on behalf of the fee owner entity formed or to be formed on its behalf, requests a mortgage recording tax exemption benefit on a mortgage amount of \$473,000,000, resulting in an exemption benefit amount of \$3,547,500 (said amount being the product of (i) \$473,000,000 and (ii) .0075).

Amazon.com Services LLC, on its own behalf, as tenant operator of the facility, requests a sales tax exemption benefit only, estimated in the amount of \$8,000,000 (said amount being the product of (i) \$100,000,000 and (ii) 8%).

** Co- Applicants request that the sales and use tax exemption benefit run through 2026.

Section V. Employment Plan

The Project will offer a significant number of part-time and full-time employment opportunities, benefitting families and community residents, that include a comprehensive benefits package for people with a variety of skillsets and work experiences. The Project will allow those new to the work force to learn new skills and will provide on-the-job experience that is transferable to advancement positions or other industries. The Project will also enable employees to obtain valuable networking and reference resources for future advancement and other opportunities.

Workforce Development/Training: Amazon has committed \$1.2 billion to provide 300,000 employees with access to education and skills training programs—including college tuition for front-line employees—through 2025 as part of Amazon's Upskilling 2025 pledge.

Upskilling programs help employees gain in-demand skill sets and propel them into new careers. The company-funded training programs offered through Upskilling 2025 support Amazon employees as they learn critical skills to move into in-demand, higher-paying technical or non-technical roles within Amazon and beyond.

Career Choice: Career Choice is Amazon's pre-paid tuition program for operations employees looking to further their education.

Amazon will pre-pay full college tuition at hundreds of education partners across the country. In addition to funding associate and bachelor's degrees, Amazon's Career Choice will also fund high school completion, GED's, and ESL proficiency certifications. Since launching Career Choice in 2012, over 50,000 Amazon employees across 14 countries worldwide have received training for high-demand occupations including aircraft mechanics, computer-aided designers, commercial truck drivers, medical assistants, nurses, and more.



The program will be available to Amazon hourly employees who have been employed for 90 days. Employees have access to annual funds for education as long as they remain at the company, with no limit to the number of years they can benefit.

The Project will contain an onsite classroom so college and technical classes can be taught inside the fulfillment center, making employees' participation in Career Choice even more seamless by reducing the need to commute to classes.

Amazon Benefits: Along with starting pay of at least \$15 per hour - which Amazon has offered since 2018 - Amazon offers a range of great benefits that support employees and eligible family members, including domestic partners and their children. These comprehensive benefits begin on day one and include health care coverage, paid parental leave, ways to save for the future, and other resources to improve health and well-being.

Below is a list of benefits offered to full-time associates. Benefits availability may vary depending on number of hours worked a week.

- **Medical.** Plans include coverage for prescription drugs, emergency and hospital care, mental health, X-rays, lab work, etc. There are no pre-existing condition exclusions with any of Amazon's medical plans. Employees have a choice of multiple plans. All plans cover preventive care 100%.
- **Dental.** All preventative coverage, including cleanings and x-rays, is fully covered and the deductible is waived. Orthodontic coverage available.
- **Vision.** Annual basic eye exam, lenses, and basic frames fully covered annually.
- **Infertility Benefits.** Amazon partners with Progyny, the leading infertility benefits provider, to provide our employees with infertility treatment coverage.
- **Amazon 401(k) Plan.** All Amazon employees are eligible to join the plan immediately upon their date of hire. Amazon will provide a 50% match for contributions up to 4% of eligible pay.
- **Flexible Spending Accounts.** Flexible Spending Accounts (FSAs) provide a convenient way to pay for certain eligible health care and/or dependent care expenses with pre-tax dollars. Health Care FSA can be used to pay for health insurance copays, deductibles and other eligible services and supplies not covered by medical, dental or vision plans. The Dependent Care FSA can only be used to pay expenses for dependent care, such as child or elder care.
- **Disability Insurance.** Available to employees working more than 30 hours a week. Amazon provides both short-term and long-term disability coverage at no cost to the associate. Both plans provide partial income (60% of eligible salary up to certain limits) if the associate becomes medically disabled.
- **Mental Health Care and Daily Living Assistance.** Free counseling services and referrals are available 24/7 for any Amazon employee or household member. Referrals are available for legal and financial issues and for personal convenience and care needs (child care, elder care, relocating, and other personal needs).



Attachment D

Town of Niagara SEQRA Negative Declaration

See Attached.

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached negative declaration

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 legal Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
See attached negative declaration

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town Board of the Town of Niagara as lead agency that:

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

- C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

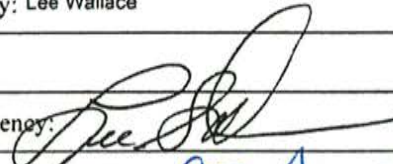
Name of Action: Proect Fifi

Name of Lead Agency: Town Board of the Town of Niagara

Name of Responsible Officer in Lead Agency: Lee Wallace

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency:



Date: 6/23/2022

Signature of Preparer (if different from Responsible Officer)



Date: 6/23/2022

Corey Auerbach, Barclay Damon LLP

For Further Information:

Contact Person: Charles Haseley

Address: 7105 Lockport Road, Niagara Falls, NY 14305

Telephone Number: (716)217-2150

E-mail: chaseley@townofniagara.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM



RESOLUTION OF THE TOWN OF NIAGARA TOWN BOARD PURSUANT
TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
CONCERNING THE DETERMINATION OF SIGNIFICANCE FOR PROJECT
FIFI - JB2 PARTNERS LLC STORAGE AND DISTRIBUTION FACILITY

Name of Project: Project Fifi - JB2 Partners LLC Storage and Distribution Facility

Location: 8995 Lockport Road, Town of Niagara, New York

SEQR Status: Type I

**Determination
of Significance:** Negative Declaration

WHEREAS, JB2 Partners, LLC (“Applicant”) proposes development of an approximately 216 acre site located at 8995 Lockport Road (SBL: 132.18-1-2; 146.05-1-9; 146.06-1-1; 146.06-1-2) (“Site”) in the Town of Niagara, New York, for construction and operation of an approximately 3,075,950 square foot e-commerce storage and distribution facility (“Facility”) for consumer products (“Project”); and

WHEREAS, in connection with the Project, on February 15, 2022 the Applicant submitted an application to the Town Board of the Town of Niagara (“Town Board”), Town of Niagara Zoning Board of Appeals (“ZBA”), and Town of Niagara Planning Board (“Planning Board”) to request Site Plan Approval and resubdivision/lot consolidation in accordance with Town of Niagara Code (“Code”) § 245 Appendix B and §135-126 and § 135-132, and area variances in accordance with Code § 245 Appendix A, § 245-33(D), 204-5(B)(2); § 204-5(C)(1), § 204-5(C)(3)(a); and § 204-5(B)(1) (collectively, with the supplemental materials submitted on April 12, June 2, 2022, and June 20, 2022 the “Application”); all as described in the Town Building Inspector’s April 13, 2022 memorandum on the Project; and

WHEREAS, the Site is owned by Gotham Homes 18, LLC (“Owner”), which has authorized the Applicant to file all applications necessary for the development, construction and operation of the Project at the Site; and

WHEREAS, the Project will include the disturbance of approximately 111 acres of the 216-acre Site, as well as approximately 10 acres off-Site, to construct driveways, roadways buildings, parking areas, stormwater management features, improvements to roads and the installation of utilities, while approximately 105 acres of the Site will remain undisturbed; and

WHEREAS, at completion of construction, the Project will include approximately 56.3 acres of paved or impervious surfaces from construction of roads, buildings and parking areas and other paved or impervious surfaces, while approximately 159 acres of the Site will be green space following completion of construction, 140 acres of which are un-fragmented; and

WHEREAS, the Project will include the construction of an approximately 3,075,950 square foot Facility comprised of a ground floor with a footprint of approximately 650,000 square feet and four additional elevated levels, each with identical footprints of approximately 606,750 square feet, and a maximum height of 107 feet; and

WHEREAS, the Project will include 55 loading docks, 414 trailer parking stalls, 469 total trailer locations and 1,755 car parking stalls (including 16 motorcycle parking spaces), electric vehicle charging stations, two water tanks, two guard buildings, stormwater management basins and improvements, accessory site driveways, lighting, landscaping, signage, and other related improvements, and will employ approximately 1,000 people; and

WHEREAS, the Site is located near the Niagara Falls Air Reserve Station (“NFARS”) and Niagara Falls International Airport (“NFIA”) and has been long-targeted for development by the Town; and

WHEREAS, the Site is located in the Town’s Heavy Industrial District (“HI”), which authorizes warehousing and storage as well as freight forwarding, long-distance trucking terminals and distribution facilities as permitted uses in the HI District; and

WHEREAS, the Site is a certified “Shovel Ready” property pursuant to Empire State Development’s Build-Now NY program; and

WHEREAS, as part of obtaining Shovel-Ready certification the Town conducted an extensive review of the Site pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and, in 2011, completed a Generic Environmental Impact Statement (the “GEIS”); and

WHEREAS, in the GEIS, the Town analyzed development on the Site consisting of approximately 850,000 square feet of development and the combination of the existing individual parcels comprising the Site; and

WHEREAS, the GEIS included consultation with various other agencies including: New York State Department of Environmental Conservation (“NYSDEC”), Niagara County Industrial Development Agency, Empire State Development, Niagara County Sewer District, Niagara County Water District, New York State Historic Preservation Office (“SHPO”), New York State Department of Transportation (“NYSDOT”), New York State Department of Agriculture and Markets, and the United States Army Corps of Engineers (“USACE”); and

WHEREAS, written comments on the Draft GEIS from members of the public, as well as consultation with each of the above agencies, were considered prior to the issuance of the Final GEIS and the Final GEIS analyzed the potential development of the Site in the context of geological resources, water resources, ecological resources, historic and archaeological resources, noise, air quality, land use, socioeconomic conditions, visual and aesthetic conditions, agricultural resources, transportation, public services including utilities, and proposed Site-specific mitigation to minimize impacts to the environment to the greatest extent practicable; and

WHEREAS, on August 9, 2012, the Site received Build-Now NY Shovel Ready certification; and

WHEREAS, pursuant to SEQRA, the Town Board must satisfy the requirements contained in SEQRA prior to making a final determination on the Application; and

WHEREAS, with the Application, Applicant submitted a completed full Environmental Assessment Form Part I in the form required by SEQRA (the "FEAF"), with supporting materials as described more particularly below; and

WHEREAS, based upon the Application and the FEAF, with supporting materials more particularly described below, the Town Board has determined that the Project constitutes a "Type I Action" under SEQRA, because, among other things, pursuant to 6 NYCRR 617.4(b)(6)(i) it involves the physical alteration of more than 10 acres; and

WHEREAS, Type I actions are those actions and projects that are more likely to have a significant adverse impact on the environment and require the preparation of an EIS; and

WHEREAS, Type I actions are required to undergo a coordinated environmental review; and

WHEREAS, the Town Board has identified the parties listed on **Exhibit A** attached hereto as potentially involved and interested agencies under SEQRA (collectively, the "Involved and Interested Agencies"); and

WHEREAS, on March 15, 2022, the Town Board declared its intent to act as lead agency for a coordinated review of the Project and distributed to the Involved and Interested Agencies a Notice of Intent to Act as Lead Agency, a copy of the Application and the FEAF, with supporting documentation as more particularly described below (collectively the "SEQRA Notice"); and

WHEREAS, pursuant to SEQRA, as none of the Involved or Interested Agencies contested lead agency status, and the time period for Involved or Interested Agencies to object had expired, the Town Board assumed the role of Lead Agency for purposes of a coordinated review of the Project on April 14, 2022; and

WHEREAS, pursuant to SEQRA, to aid the Town Board in determining whether the Project may have a significant adverse impact upon the environment, the Town Board has received and reviewed:

- (1) the Application dated February 15, 2022 (the exhibits to which are listed separately herein);
- (2) Part 1 of the FEAF dated February 15, 2022;
- (3) a GEIS dated December 13, 2011;
- (4) Site Plans, including landscaping, lighting, signage, grading, and related items dated February 15, 2022;

- (5) Survey of the Site dated February 2022 by Robert A. Vento, licensed land surveyor;
- (6) Shovel Ready Certification dated April 9, 2012;
- (7) Building Elevations dated February 15, 2022;
- (8) Town Letter regarding the Project and Site dated August 11, 2020;
- (9) an Analysis of Environmental Impacts dated February 15, 2022 (the exhibits to which are listed separately herein);
- (10) a Draft Preliminary Geotechnical Engineering Study Report (“Geotechnical Report”);
- (11) an Evaluation of Sound Emissions Report (“Sound Report”);
- (12) a Stormwater Pollution Protection Plan for the Project (“SWPPP”);
- (13) a Wetland Delineation Report (“Wetland Report”);
- (14) a Threatened and Endangered Species Assessment;
- (15) a Visual Assessment Report;
- (16) Historic and Cultural Resources Report;
- (17) Traffic Impact Study dated February 2022;
- (18) a Water System Engineer’s Report;
- (19) a Sanitary Sewer System Engineer’s Report;
- (20) the Supplemental Application submitted on April 12, 2022 (“First Application Supplement”);
- (21) the Supplemental Application dated June 2, 2022 (the exhibits to which are listed separately herein) (“Second Application Supplement”);
- (22) an Updated Traffic Impact Study dated May 2022;
- (23) Revised Site Plans dated May 25, 2022;
- (24) Memorandum to Town with Responses to Town Comments dated June 2, 2022;
- (25) Memorandum to Town with Responses to Public Comments dated June 2, 2022;
- (26) Response to Agency, Building Department, and GHD Comments dated June 1, 2022;
- (27) Letters of Support for the Project;
- (28) Project Visual Simulations dated April 2022 (“Supplemental Visual Analysis”);
- (29) Response to NYSDOT Comments dated May 26, 2022;
- (30) NYSDEC’s Environmental Resource Mapper (“NYSDEC Mapper”);
- (31) a Letter from SHPO dated March 30, 2022;
- (32) a SHPO Letter of No Effect for the 2011 GEIS;
- (33) a NYSDEC Natural Heritage Program Letter;
- (34) the Supplemental Application dated June 20, 2022 (“Third Application Supplement”);
- (35) a Determination by the New York State Department of State Western Region with respect to a State Building Code Variance Request (“DOS Determination”);
- (36) Resolution from the Planning Board dated June 7, 2022 recommending approval of the Project including a negative declaration pursuant to SEQRA;
- (37) an offsite improvements plan dated March 25, 2022;
- (38) Phase 1A/1B Archaeological Survey;
- (39) email correspondence from NYSDOT dated June 7, 2022;
- (40) a SHPO Letter of No Effect with respect to archaeological resources dated June 10, 2022;
- (41) a SHPO Letter of No Effect with respect to historic resources dated June 17, 2022;

and
(42) other relevant environmental information (collectively, 1-42 shall be referred to as the “Environmental Information”); and

WHEREAS, prior to making a determination about the potential environmental significance of the Project, the Town Board has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, to aid its review of the potential environmental significance of this Project, the Town Board retained GHD Engineering (“GHD”) to provide expert consultation and evaluation of the Environmental Information and all other related materials; and

WHEREAS, Applicant has undertaken public outreach to help inform the Town and the community of Project plans and goals as well as to receive input and feedback on various aspects of the Project; and the Applicant attended a Niagara County Planning Board meeting on March 21, 2022, two Town Planning Board meetings on April 5, 2022 and June 7, 2022, a Town Zoning Board of Appeals meeting on April 12, 2022 and a public hearing on June 14, 2022, two Town Board work sessions on April 13, 2022 and June 8, 2022, and a Town Board meeting on June 21, 2022; and the Applicant assembled comments received by the public and responded thereto, as identified above in the Environmental Information (hereinafter, collectively the “Public Outreach”); and

WHEREAS, at a public meeting held on March 21, 2022 held pursuant to General Municipal Law §§ 239-m, the Niagara County Planning Board recommended approval of the Application to the Town Board and Zoning Board of Appeals; and

WHEREAS, pursuant to Code § 245 Appendix B(B2)(A) and Code § 135-126 and § 135-132, prior to any final decision on a site plan or lot consolidation the Town Planning Board is authorized to review and recommend to the Town Board approval, approval with modification, or disapproval of such site plans or lot consolidations; and

WHEREAS, at a public meeting held on June 7, 2022, the Town Planning Board recommended approval of the Application to the Town Board and Zoning Board of Appeals, including a recommendation that the Town Board issue a negative declaration pursuant to SEQRA; and

WHEREAS, at a public meeting held on June 8, 2022, the Town Board, considering its careful review of the Environmental Information, completed Part 2 of the FEAF; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that, overall, a number of temporary and/or moderate environmental impacts have been identified in connection with the Project, but an analysis of these environmental impacts reveals that, where necessary, such impacts have

been mitigated to the greatest extent possible by the Project design, and none of these impacts will be significant; and

WHEREAS, it is appropriate that the Town Board issue a negative declaration pursuant to SEQRA for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF NIAGARA AS FOLLOWS:

Section 1. Based upon a review and examination of the Project and Environmental Information, and upon the Town Board’s knowledge of the land and area surrounding the Site and such further investigation of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

- (A) The Project is a Type I Action pursuant to SEQRA as the Project includes the physical alteration of more than 10 acres of land;
- (B) The Town Board, as lead agency, has undertaken a coordinated review of the Project in accordance with the requirements of SEQRA; and
- (C) Even though the Project is a Type I action, the Environmental Information, including mitigation measures that have been incorporated into the design of the Project by the Applicant, adequately demonstrate that the Project will not result in any significant adverse environmental impacts.

Section 2. Based upon the Town Board’s review of the Environmental Information and investigations of the potential environmental impacts associated with the Project, considering both the magnitude and importance of each and every potential environmental impact, and upon the Town Board’s knowledge of the land and area surrounding the Site and such further investigations of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board has determined that the Project will not result in any significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land.

a. Physical Resources

The Project includes the disturbance of approximately 111 acres of the 216-acre Site, as well as approximately 10 acres off-Site, to construct improvements to roads, driveways, buildings, parking areas, stormwater management features, and the installation of utilities. Project disturbance includes the creation of approximately 56.3 acres of paved or impervious surfaces including roads, buildings and parking areas. Approximately 105 acres of the Site will remain undisturbed, and, following completion of Project construction, approximately 159 acres of the Site will be green space, 140 acres of which are un-fragmented by roads or other development. The Project will include the construction of an approximately 3,075,950 square foot Facility comprised of a ground



floor with a footprint of approximately 650,000 square feet and four elevated levels, each with identical footprints of approximately 606,750 square feet, and a maximum height of 107 feet.

The Project will not involve construction on land where the depth to bedrock is less than 5 feet, as average depth to bedrock is 6.6 feet on the Site. While the depth to water table is less than a foot in some areas of the Site, a Geotechnical Report was prepared for the Project which shows that in areas of the Site to be developed, improvements will be built more than 10 feet above groundwater levels. Thus, as detailed in the Geotechnical Report, permanent dewatering techniques are not anticipated to be necessary in light of the depth to groundwater relative to the top slab elevation. Dewatering during construction will be implemented as necessary to adequately dewater all foundation-related excavations using gravity-fed sump pumps via gravel trenches or similar techniques on-Site. Notably, the Project does not include the production or storage of hazardous waste which could threaten groundwater quality.

The Site has no slopes of 10% or greater and, except for grading and excavation work associated with foundations for buildings, parking areas, stormwater management features and installation of utilities, the slope of the land will not be significantly altered by the Project. All excavated materials will remain on Site. Depth to bedrock will range from approximately 10 to 22 feet below the proposed finished floor elevation. While the Site is currently poorly drained, the Project will not result in increased erosion. While there is high potential for turbid runoff due to the Site's high clay content, the Applicant is required to act in conformance with a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) ("General SPDES Permit") and a SWPPP has been prepared for the Project and included as part of the Environmental Information. As shown in the SWPPP, permanent and temporary stormwater control measures will be used to minimize stormwater runoff during construction and operation of the Project. The Applicant's proposed measures to control erosion during construction and operation as found in the SWPPP will further mitigate any potential impacts. Further, the Project is not located within a designated Coastal Erosion Hazard Area.

Project construction does not involve multiple phases and is expected to be completed in approximately 18-24 months. While construction may take more than one year, the Site adjoins other commercial and industrial sites, including the NFIA, an Involved or Interested Agency as set forth in **Exhibit A**. Further, construction activity will be intermittent with planned winter shutdowns to mitigate construction impacts to the surrounding area. Moreover, given the size of the Site and location of disturbance on the Site, the impacts to nearby neighboring properties from construction activities will be limited. Construction conditions are temporary in nature, and the Project will be subject to applicable Town regulations regarding noise, which prohibit the creation of unreasonable noise between 11:00p.m. and 7:00a.m. Further, with respect to Project noise created during construction, a Sound Report was prepared to assess potential sound impacts associated with the Project, and it is included as part of the Environmental Information. As detailed in the Sound Report, the Site is located adjacent to various

existing sources of significant background noise, including NFIA, NFARS and other uses. As detailed in the Sound Report, the Project will mitigate noise impacts during construction operations by (1) outfitting trucks owned and controlled by the Applicant with smart, ambient sensing, multi-frequency back-up alarms, (2) limiting all heavy equipment operation to non-noise-sensitive daytime hours and follow town construction hours, (3) limiting the number of equipment operating near one receptor at a given time and avoiding exposing any one receptor to high sound levels for an extended period of time, (4) placing stationary equipment, such as generators, compressors, and office trailers, away from noise-sensitive receptors, (5) avoiding the placement of construction parking or laydown areas near noise-sensitive receptors, and (6) coordinating high sound level construction activities with Town representatives and providing advanced notice to residents as feasible. Significant background noise in the vicinity of the Site, modeled against the steady and intermittent Site sounds, show that Project noise levels will be below existing average and maximum ambient noise levels respectively. Accordingly, the Project is not expected to have any negative acoustical impact per NYSDEC guidelines, including during construction.

Accordingly, while the Project will change the land, the Project will not have any significant adverse impacts to the physical resources of the land.

2. Impact on Geological Features.

The Site is presently undeveloped and has no unusual or unique land forms, such as cliffs, dunes, minerals, fossils or caves, that may be modified or face destruction. There are no National Natural Landmarks at or near the Site.

Accordingly, the Project will not have any significant adverse impacts to geological features.

3. Impact on Wetlands and Surface Waters.

There will be impacts to wetlands and surface waters at the Site. The Project will result in new impervious surfaces that require stormwater management systems to handle stormwater flows and provide proper management of on-Site stormwater.

According to the NYSDEC Environmental Resource Mapper and the U.S. Fish and Wildlife Service's National Wetland Inventory, 16 wetlands/wetland complexes are present on the Site, totaling approximately 45.5 acres. This is a notable increase from the extent of wetland resources identified in the GEIS. As such, in late 2021, the Wetland Report was completed for the Site, in accordance with federal delineation methodology outlined under the USACE Wetlands Delineation Manual and Northcentral and Northeast Regional Supplement.

In total, the Project proposes to impact approximately 2.75 acres of federal wetlands/waters on the Site for the construction of parking areas, access roads, utilities, the Facility and stormwater basins. The remaining approximately 42.809 acres of wetlands will remain

undisturbed. No New York State regulated water bodies or wetlands will be impacted. The Project has been designed to limit impacts to wetlands to the greatest extent practicable, including modifications to the Facility's prototypical design. Areas of wetlands to be impacted are limited to agriculture wetlands and ditches with low ecological value/function. As provided in the Analysis of Environmental Impacts specifically and Environmental Information generally, avoidance of additional wetland impacts was accomplished through an iterative Site layout selection process and detailed design and grading of specific Project elements. As shown on the Site Plans, wetlands present in the southern portion of the Site and along the eastern and western site boundary are avoided. In addition, the strategic placement of stormwater management facilities avoids wetland impacts and ultimately allows for a landscape that promotes un-fragmented open space across approximately 140 acres of the Site (inclusive of the basins and wetlands to remain). In addition, the current stormwater runoff from the Site (untreated agricultural runoff) will be replaced with runoff managed pursuant to a SPDES permit. Furthermore, upon completion of construction, areas of wetlands and uplands that remain, which are currently farmed, will be allowed to naturally succeed. These areas are expected to revert to a natural condition that will provide an ecological uplift to the Site and region, providing habitat for local wildlife and enhancing the functions and value of the wetlands on-Site. As detailed in the Analysis of Environmental Impacts, naturalization of these areas will ultimately benefit the watershed as a whole. Further, additional flood storage will be provided on the Site through the creation of adjacent floodplain wetlands and oversized stormwater basins. Thus, the Project will actually increase the flood storage capacity at the Site and will help to alleviate existing drainage issues.

As required by the USACE under Section 404 of the Clean Water Act, compensatory mitigation for the 2.75 acres of wetland impacts is proposed to be completed through the purchase of an equal number of credits from the Ducks Unlimited (DU) In-Lieu Fee Program (ILF) – Buffalo-Eighteenmile service area. Applicant will comply with USACE's compensatory mitigation requirements for the Project. Additionally, a Joint Permit Application to the USACE and NYSDEC seeking authorization of the Project and associated wetland impacts was submitted for review and approval on April 7, 2022, and coordination with NYSDEC and USACE is underway. NYSDEC was also contacted as an Involved or Interested Agency as set forth in **Exhibit A**.

As discussed above, construction activities present the possibility of silt laden runoff entering streams due to storm events. Runoff pollution affects the water quality of the small tributaries, ponds or other receiving waters including ground waters. A General SPDES Permit and a SWPPP are required for the Project. As shown in the SWPPP, permanent and temporary stormwater control measures will be used to minimize stormwater runoff during construction and operation of the Project. The Applicant's proposed measures to control erosion during construction and operation will further mitigate any potential impacts, so there are no inappropriate discharges of contaminants to surface waters during construction and operation of the Project.

The Applicant will continue to work with USACE and NYSDEC in the permitting process and will comply with all applicable state and federal requirements.

Based on the limited area of wetlands impact relative to the size of the Site and Project, the incorporated design elements, and the proposed mitigation measures, the Project will not have any significant adverse impacts on wetlands and surface waters.

4. Impact on Groundwater.

The Project is not anticipated to have any impacts to groundwater. As noted above, in areas of the Site to be developed, improvements will be built more than 10 feet above groundwater levels. In addition, groundwater resources were analyzed in the GEIS, which noted that the Site does not overlay any Primary or Principal Aquifers that would be impacted by construction or operations on the Site, and that the nature of the majority of the soils on the Site precluded impacts. Such conditions of the Site have not changed since the GEIS.

Consistent with what was contemplated by the GEIS, water to the Site will be supplied by the Town of Niagara Water Department. The sanitary sewer system is designed to collect wastewater generated from the proposed development and convey it by gravity to the existing 8-inch diameter concrete gravity sewer line located along Tuscarora Road through a doghouse manhole. The existing 8-inch diameter concrete sewer line connects to the existing 18-inch diameter concrete gravity sewer main located on Lockport Road by gravity. All sanitary flows will be domestic in nature and void of any industrial solid, hazardous, or toxic waste contamination.

The Project will create a new demand for approximately 44,022 gallons of water per day to serve its operations and employees, and the Project will generate approximately 44,022 gallons of sanitary wastewater per day. A Water System Engineer's Report and a Sanitary Sewer System Engineer's Report have been prepared for the Project and reviewed by GHD. There is available water and sewer capacity to address the demands of the Project. In its review of the Project, GHD noted that the sanitary sewer discharge will discharge to an existing sanitary sewer pump station that is undersized currently and was previously targeted for upgrades by the Town. Applicant is working with the Town to contribute an appropriate share of funds to upgrade the pump station based on the Project anticipated flows.

While the depth to groundwater is less than one foot in some areas of the Site, in areas of the Site to be developed, improvements will be built more than 10 feet above groundwater levels. In addition, the Project does not involve the bulk storage of petroleum or chemical products or other hazardous materials over shallow groundwater or an aquifer. The Project does not involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. In addition, current stormwater runoff from the Site (untreated agricultural runoff) will be replaced with runoff managed pursuant to the SPDES permit.

Accordingly, the Project will not have any significant adverse impact on groundwater.

5. Impact on Flooding.

A Cayuga Creek West Tributary is mapped in the western portion of the Site. Based on a review of the Federal Emergency Management Agency (FEMA) Effective Flood Insurance Rate Map (FIRM), the stream contains a mapped floodway, generally limited to the stream centerline and 100-year floodplain elevations that range from approximate elevation 600 (NAVD88) at the upstream end of the Site to approximate elevation 590 (NAVD88) at the downstream end of the Site. The Site is not located in a 500-year floodplain. No major development will occur in the 100-year floodplain. A single proposed natural gas line is currently planned to be installed in the floodplain and floodway, however, this minor development will have no impact on flood conditions because the disturbance will be temporary in nature and not create any permanent changes to Site conditions. An appropriate floodplain development permit from the Town will be obtained prior to the commencement of any construction activities. All stormwater generated from new impervious surfaces associated with the Project will be appropriately handled on-Site in accordance with the SWPPP. The Project will result in additional stormwater storage capacity on the Site, which may improve existing flood conditions. There are no dams located on the Site.

Accordingly, the Project will not have any significant adverse impacts on flooding or flooding conditions.

6. Impact on Air.

Ambient Air Quality Standards in Region 9, where the project site is located, indicate air quality is in attainment for both Federal and State standards. The Project does not entail the types of activities or operations that require the Applicant to acquire air registrations or permits or that are associated with a significant potential for air emissions. Any impacts to air quality from construction activities will be minor and temporary in nature. Mitigation measures such as erosion control, sediment control, pollution-prevention, and stormwater management measures will be implemented during construction, in addition to the regular maintenance of construction equipment and proper maintenance of a stabilized construction access roadway to reduce idling and stacking of construction vehicles.

Regular operation of the Project will have minimal impacts on air quality. The primary energy source for heating the warehouse is natural gas and back-up generators, which are subject to NYSDEC regulations. Based on the Project operations, vehicles associated with the Project will not idle excessively and will comply with NYSDEC regulations regarding heavy duty vehicle idling. The Facility will have full time yard jockeys that move the trailers around the truck court. Trucks will enter the Site, drop their trailer in one of the trailer parking spaces, pick up a new trailer and immediately exit the Site from the designated exit roadways, thereby eliminating the sound and air impacts associated with idling trucks.

Additionally, the traffic generated by this Project is not of quantity and type to

significantly affect associated vehicular pollutants, such as lead (Pb) and carbon monoxide (CO). Lead emissions from motor vehicles have been in decline since the introduction of non-leaded fuel and, with the further removal of lead additives from gasoline, and the growth of zero emission vehicles, air pollutants from vehicles should continue to decline. It is noted that the Project includes facilities for electric vehicle charging on-Site. High carbon monoxide (CO) levels are generally associated with very high volume, slow-moving or idling motor vehicles, which is not applicable at this Site.

Accordingly, the Project will not have any significant adverse impacts on air quality.

7. Impact on Plants and Animals.

The GEIS considered a loss of approximately 19% of the Site to permanent development, and analyzed impacts to species in that context. Here, the Project proposes to include 56.3 acres of impervious surfaces, with approximately 105 acres of the site remaining undisturbed and approximately 159 acres of green space following completion of construction, 140 acres of which are un-fragmented. A Threatened and Endangered Species Assessment (“T&E Report”) was prepared for the Project and included as part of the Environmental Information. Based on a response from the NYSDEC Natural Heritage Program (“NHP”), there are no documented occurrences of rare or state-listed animals, plants or significant natural communities on the Site, and NYSDEC did not request additional analysis with respect to impacts on threatened or endangered species. The response indicates that short-eared owl (*Asio flammeus*), a New York State endangered species, has been documented within 0.25 miles of the Site. The Devil Crawfish (*Lacunicambarus diogenes*), a New York State imperiled, but not state-listed species, has been documented within 50 yards south of the Site at the NFARS, as previously referenced in the GEIS. In addition, as detailed in the T&E Report, adjacent airport traffic and associated noise and road traffic, combined with the more suitable habitat located to the north and east of the Site, further diminish the potential value of the Site as suitable habitat for the short-eared owl. Further, none of the areas of wetland impacts associated with the Project directly or indirectly impact wetlands or waterways that may provide habitat for the devil crawfish. Accordingly, the Project will not adversely affect either species.

In addition, an official species list was generated for the Site in January 2022 using the U.S. Fish and Wildlife Service (“USFWS”) Information for Planning and Consultation (“IPaC”) tool. The official species list identifies the Monarch Butterfly (*Danaus plexippus*) as a candidate species that should be considered in a review of the Project. Notably, the Site is devoid of grasslands and currently occupied by agricultural land utilized for row crops. The Site lacks any notable areas of wildflowers or other herbaceous species crucial to monarch habitat. Based on the analysis included in the T&E Report, which also includes various Site observations completed in November and December 2021, it does not appear that the Site is used as habitat by any of the threatened and endangered species of concern or candidate species. The GEIS similarly concluded that the Site is of low value as habitat, and that the species that would utilize the Site are common in the general region and would occupy new areas in the vicinity of the Site.

The Site is currently undeveloped and primarily consists of agricultural and scrub/shrub wetlands. Accordingly, the Project will likely displace on-Site common animal and plant populations. Notably, much of the southern portion of the Site will remain in its current state, except for the addition of stormwater management features, providing habitat for any impacted plants or animals. To the extent the Project has any impacts, they are consistent with the impacts analyzed in the GEIS and limited to common species not listed as threatened or endangered at either the State or Federal level. Each of these impacts was assessed by the Town and the Involved and Interested agencies as set forth in **Exhibit A**(including NYSDEC). Further, lot coverage for the Project (approximately 6.9%) is significantly less than what is permitted under the Code (30%), and mitigation measures consistent with or exceeding those proposed in the GEIS have been incorporated into the Project, including 140 acres of un-fragmented open space following construction.

Accordingly, the Project will not have any significant adverse impacts on plants and animals.

8. Impact on Agricultural Land Resources.

While the Site is listed as Agricultural District No. 7 in the Niagara County Agricultural & Farmland Protection Plan, the Town has long-planned for the Site to be converted from farmland to industrial use as stated in the Comprehensive Plan, and as demonstrated by the Town's rezoning of the Site from agricultural to the HI District.

The Site currently has agricultural wetlands interspersed throughout the site, consisting of corn crop. The GEIS contemplated that the entirety of the Site would be converted from agricultural use to a use consistent with the heavy industrial zoning and future Shovel-Ready certification of the Site. The GEIS acknowledged that the Site includes prime soils, however, the GEIS concluded that the conversion of the Site would not be a significant adverse impact to the agricultural industry county-wide, and that the owner of the Site would satisfy certain procedural review requirements established by New York Agriculture and Markets Law by providing a waiver from the Notice of Intent process. The New York State Department of Agriculture and Markets confirmed the acceptability of such a waiver in correspondence included in the GEIS. The Department of Agriculture and Markets was also an Involved and Interested Agency as set forth in **Exhibit A**, and a waiver has been obtained for the Project and will be filed with the Department by the Applicant.

Accordingly, the Project will not have any significant adverse impact on agriculture or agricultural uses.

9. Impact on Aesthetic Resources.

As indicated in the FEAF and discussed in detail in the Analysis of Environmental Impacts (including the Visual Analysis, the Historic and Cultural Resources Assessment, and the Supplemental Visual Analysis), included as part of the Environmental Information, the Project will primarily be visible in the area immediately surrounding the Site and despite the scale and height of the Facility is generally not visible outside of the

immediate area of the Site. Given the location of the Site and the existing development that surrounds the Site, the Site will primarily be visible to viewers while engaged in routine travel on the roadways in the immediate vicinity of the Site. To the extent that the Facility is visible within the immediate vicinity of the Site, visual sensitivity is less in this area given the presence of the NFIA and NFARS to the immediate south and east of the Site and will otherwise be mitigated through careful project siting and design, consisting of the location of the Facility on a large site, allowing for significant portions to remain undeveloped and providing for considerable setbacks (923' to the front yard, 912' to the side yard, and 849' to the rear yard), as well as the location of the Facility within an area with significant existing development. Mitigation of the visual impacts are also achieved through vegetative screening consisting of existing landscaping that will remain on the Site and substantial landscaping that will be added to the Site. Although the vegetative screening of the Project may vary seasonally, any such seasonal variation is likely limited given that the Project involves the additional planting of 582 evergreen trees and 89 evergreen shrubs, which will see no seasonal variation in their ability to screen the project from view, in addition to 318 shade trees, 121 deciduous shrubs, and 176 ornamental grasses. The project also involves the development of landscaped berming approximately 12' to 14' tall, which will provide screening of the Facility that is not impacted by seasonal vegetative variation. As demonstrated in the Visual Assessment, including the Supplemental Visual Assessment, despite the scale of the Facility, while the Facility is visible from immediately surrounding areas, most of the visual impact will be along Lockport and Packard roads (where visual sensitivity is lowest) and is mitigated through the above-referenced setbacks and landscaping. Most viewers will see the Project and the Facility while traveling on those roads along which similar warehouse-like structures are visible.

The Project is located within five miles of parks and scenic resources, including three officially designated state and local scenic or aesthetic resources—Veterans' Memorial Park, Reservoir State Park, and Oppenheim County Park. Notwithstanding the proximity to these parks and aesthetic resources, the Project is not anticipated to impact such resources given the distance between the Project and such resources, the careful siting of the Project on a large lot near existing development, and the existing development in the area surrounding the Site. Specifically, the Project is separated from the surrounding parks and scenic or aesthetic resources by several miles within which there is existing development consisting of the City of Niagara Falls, the NFIA, the NFARS, and other industrial and residential development. To the extent that the Project is visible from any of the surrounding park and/or scenic resources, such visibility will be relatively limited given the distance to the Project, its location on a lot that allows for sufficient setbacks, and its location near existing large-scale industrial and institutional development. Moreover, the Project is otherwise in keeping with existing development in the area around the Site, including development specifically in the area between the Project and surrounding aesthetic or scenic resources. Otherwise, as indicated on the FEAF, the Project is not located within the vicinity of recreational resources, such as public recreation facilities or areas used for hunting, trapping, fishing or shell fishing. Moreover, given the developed nature of the area around the Site, it is generally not suitable for such activities. The Project incorporates mitigation to reduce the visual

impact of the Project in the immediate vicinity of the Site, which, as discussed herein, includes use of a large area of the land with room for significant setbacks and retains certain areas of the Site as undeveloped, use of vegetative screening, consisting of significant plantings and a landscaped berm along the frontage, and siting in an area with existing development, including large-scale institutional and industrial uses. In light of both the limited visual impact, as well as the mitigation proposed, the Project will not cause a diminution of public enjoyment and appreciation of aesthetic resources.

In addition to the park and aesthetic resources noted above, the Project is also located within one mile of two structures determined by SHPO to be eligible for listing on the State register of historic places: the Theobald Schneider House, located at 8505 Packard Road, and the Frederick Williams House, located at 9320 Lockport Road. The closest distance from the historic building to the proposed limit of disturbance is approximately 700 feet; to the edge of the trailer parking is approximately 1,400 feet; and to the building is approximately 1,980 feet. SHPO, as an Involved and Interested Agency, provided comments in March 2022 that identified these houses as examples of certain historic architecture and architectural styles and requested additional information regarding potential visual impacts to these structures. NYSDEC's guidance on visual impacts makes clear that visual impact is not determined by the size of the structure alone. Despite the scale of the Facility, the Visual Assessment indicates that the Facility is generally not visible from surrounding areas and, as explained by the Applicant in response to SHPO's March 2022 comments, visual impact of the Facility has been mitigated by the significant landscaping plan, including the approximately 12' to 14' high landscaped berm proposed along the frontage of the Site, as well as the size of the Site and significant setbacks incorporated into the Facility design. In connection with its comments on the Project, SHPO also requested renderings of the Facility and that landscaping be utilized to minimize any potential visual impacts to these resources. In response, the Applicant provided as Exhibit G to the Second Application Supplement renderings of the Facility from numerous vantage points in the area surrounding the Site, which showed that the Project would primarily be visible in the immediate vicinity of the Site and that even in this area the Project would be relatively well-screened by existing vegetation and proposed landscaping. Additionally, as discussed in further detail above, the Project incorporates significant setbacks, berming and plantings that reduce the overall visibility of the Project. In response, SHPO issued a June 17, 2022 No Effect Letter concurred with the materials provided in the Second Application Supplement, confirming that the Project would not have an adverse impact upon these historic structures, including with respect to visual impacts.

Based on the foregoing, any potentially significant adverse impacts have been sufficiently mitigated.

10. Impact on Historic and Archaeological Resources.

As indicated in the FEAF, the Project will not occur wholly or partially within or substantially contiguous to an area designated as sensitive for archaeological sites, including both those sites listed on the SHPO archaeological site inventory and those that

are not.

The potential for impact to archaeological and historic resources was previously evaluated in connection with the preparation of the GEIS, which was completed as part of the process for obtaining the Site's designation as Shovel Ready and done in consultation with SHPO. Specifically, in the context of the GEIS, SHPO concluded that the Site would not impact cultural resources listed or eligible for inclusion on the National Register of Historic Places. The GEIS also noted that the Site was not located within an area flagged for sensitivity to archaeological resources, thus SHPO provided a "No Effect" letter documenting the lack of such resources on the Site, a copy of which was provided with the Application.

The Applicant has also consulted with SHPO regarding the Project. In connection with its review of the Project, SHPO provided two comment letters, one dated March 3, 2022 and another dated March 23, 2022, which indicated that SHPO had no concerns about impacts to the former Niagara International Drag Strip and otherwise requested certain additional information regarding visual and traffic impacts to historic structures and archaeological impacts. Specifically, SHPO requested additional information regarding traffic mitigation construction and vehicle vibration impacts on historic structures.

With respect to archaeological impacts, SHPO specifically requested a Phase IA/Phase IB Survey, notwithstanding SHPO's prior findings within the context of the GEIS that there would be no significant adverse impacts to archaeological resources. In response to such request, as detailed in the Third Supplemental Application, the Applicant has completed a Phase IA/Phase IB Survey (submitted to SHPO on June 7, 2022), which concludes that no further action is warranted. SHPO has confirmed its agreement with the issuance of a June 10, 2022 letter indicating no further archeological work is necessary.

With respect to impacts on historic structures, as detailed above, SHPO noted the Project's proximity to the Theobald Schneider House and Phillip and Frederick Williams House and recommended that the Applicant provide renderings of the Project and consider ways to minimize the visual impact of the Project on those resources. In response, the Applicant provided as Exhibit G to the Second Application Supplement renderings of the Facility from numerous vantage points in the area surrounding the Site, which showed that the Project would primarily be visible in the immediate vicinity of the Site and that even in this area the Project would be relatively well-screened by existing vegetation and proposed landscaping. Additionally, as discussed in further detail above, the Project incorporates significant setbacks, berming and plantings that reduce the overall visibility of the Project. With respect to SHPO's traffic concerns, the Applicant, as discussed in more detail below, has extensively studied potential traffic impacts associated with the Project, including the preparation of a TIS and the Updated TIS. To the extent that traffic impacts associated with the Project may impact surrounding historic structures with vibration, noise, air, and general traffic volume the Second Application Supplement details that the Project will increase daily traffic volumes on Packard Road by less than 10% and does not propose any new types of traffic (e.g., heavier trucks) than what is already common on the roadway. In addition, construction is occurring on a

property on the western side the Packard Road and Haseley Drive intersection, which is approximately 130 feet from the closest historic building. The closest distance from the historic building to the proposed limit of disturbance is approximately 700 feet; to the edge of the trailer parking is approximately 1,400 feet; and to the building is approximately 1,980 feet. Accordingly, vibration as a result of additional passing traffic is not anticipated to impact the properties. SHPO's June 17, 2022 No Effect Letter concurred with the supplemental materials in the Second Application Supplement, confirming that the Project would not have an adverse impact upon these historic structures, including with respect to traffic and visual impacts.

Accordingly, the Project will not have a significant adverse impact on historic or archaeological resources.

11. Impact on Open Space and Recreation.

The Project will not eliminate open space or recreational resources. The Site is privately owned, zoned for heavy industrial uses, and has long been targeted for development and in 2011 obtained a Build Now-NY Shovel Ready Certification from Empire State Development. Such designation was intended to bring a large-scale development project to the Site. Moreover, such development of the Site is consistent with existing development in the area around the Site, which includes large-scale industrial and institutional uses such as the NFIA, as well as the existing zoning classification of the Site. Notably, approximately 159 acres of the Site will be green space following completion of construction, 140 acres of which are un-fragmented

The Project will not result in the loss of a current or future recreational resource. As discussed in the Environmental Assessment provided as Exhibit 12 to the Application, the Site does not comprise public open space nor is the Site or surrounding area currently used for public recreation. Rather, the Site is privately owned and not available for public use. As noted above, the Site is used as an active agriculture operation and in light of such use is not well-suited for use as a recreational resource.

Accordingly, the Project will not create any significant impacts to open space or recreational resources.

12. Impact on Critical Environmental Areas.

The Project is not located within or adjacent to a Critical Environmental Area ("CEA").

Accordingly, the Project will not have a significant adverse impacts to any CEA.

13. Impact on Transportation.

The Project will result in a change to existing transportation systems and an overall increase in traffic in the vicinity of the Site. Specifically, as detailed in the Updated TIS, which was prepared in response to Involved and Interested Agency, Town, and public

comments regarding potential traffic impacts to the Project and provided with the Second Application Supplement as Exhibit A, the Project will result in 542 new vehicle trips during peak morning hours (i.e., from 6:30AM to 7:30AM) and 882 new vehicle trips during peak evening hours (i.e., from 5:30PM to 6:30PM). These numbers were determined based on similar facility details and extensive study of the Site, and the area around the Site, including study of 16 different intersections on nine different days throughout the year—October 14, 2021, November 23, 2021, December 14, 2021, January 5, 2022, April 5, 2022, April 19, 2022, and April 22, 2022 through April 24, 2022. Study was conducted on both weekday and weekend dates, including while local schools were in session and during a drill training weekend at the Niagara Air Reserve Station, when traffic volumes in the area around the Site are typically greater than normal conditions. Collected traffic volume data was adjusted (increased) to account for increased summer traffic conditions and normal conditions when the border with Canada is open. In conducting such study, the Applicants worked in coordination with Involved and Interested Agencies as set forth in **Exhibit A**, including, among others, NYSDOT, the Niagara Frontier Transportation Authority (“NFTA”), County Department of Public Works (“County DPW”), NFARS, along with input from GHD and the Town Police.

As detailed in the TIS and Updated TIS, the existing roadway network can reasonably accommodate the increase in traffic as a result of the Project, with certain mitigation proposed as part of the Project. Such assessment was made based on the extensive study of the area and assumes a conservative growth factor of 0.5 percent per year over existing traffic volumes projected three years into the future, as well as consideration of several approved new projects in the Town. Mitigation initially provided in the TIS includes:

- left turn treatment at Driveway #2 (fronting on Packard Road);
- installation of tri-color traffic signals at Driveway #1 (fronting on Packard Road opposite Lockport Road) and Driveway #3 (fronting on Packard Road);
- adjustment of signal timings at the Lockport Road/Walmore Road intersections to increase northbound green time by six second and reduce east/westbound green time by six seconds to accommodate additional northbound traffic;
- installation of a 350’ long westbound left turn lane with 75’ taper on Lockport Road at Driveway #2 and Driveway #3;
- installation of a 350’ long southwest-bound right and left turn lane with 75’ taper on Lockport Road at Driveway #1;
- installation of a 350’ long northeast bound right and left turn lane with 75’ taper on Lockport Road at Driveway #1;
- installation of a 350’ long southeast-bound right left turn lane with 75’ taper on Lockport Road at Driveway #1;
- and all driveways in and out of the Site will be designed with one entering land and two exiting lanes, including stop control at Driveway #2 and signal control at Driveway #1 and Driveway #3.

Following consultation with NYSDOT, County DPW, NFARS, NFTA, review of public comments and comments from the Town, and significant additional analysis of the Site and surrounding intersections, mitigation—in addition to and furtherance of the mitigation proposed in the TIS and described above—was proposed in the Updated TIS

and affiliated truck route feasibility analysis, consisting of:

- utilizing truck routes such that trucks primarily enter from Packard Road to Driveway #1 and exit Driveway #1 to travel across Packard Road to Lockport Road and travel west to Military Road and then turn left onto Military Road to access the I-190 southbound on-ramp from Packard Road, thereby halving truck traffic on Packard Road; restrict Driveway #2 to right in/right out only to minimize impacts to driveway on the opposite side of Lockport Road;
- installation of a 75' long eastbound left turn lane with a 75' taper on Packard Road at Woodland Heights Dr;
- installation of back-to-back left turn lanes on Lockport Road at Tuscarora Road north and south; installation of a 350' long eastbound right turn lane on Lockport Road at Walmore Road south with further revisions to current signal timings as necessary to improve operating conditions at both Walmore Road intersections;
- and relocation of the northbound left turn stop bar on Military Road to Lockport Road and replace northbound loop detectors as necessary.

In addition to the mitigation proposed as part of Project design, the Applicant is also working with the NFARS to implement certain improvements around the NFARS main gate to address existing conditions in that area including the installation of a ±350 ft long eastbound right turn lane and a ±350 ft long westbound left turn lane with a +75 ft taper on Lockport Rd at the NFARS Main Gate driveway. The Applicant has also, at the request of residents in the area around the Site, performed a gap analysis, which is included with the Updated TIS, and determined signalization of the Lockport Road/Packard Road/Driveway #1 intersection is sufficient so that residential drives on Packard Road will have sufficient time to enter and exit on/from Packard Road. Thus, even with the increase in traffic anticipated as part of the Project, the network of roadways in the area around the Site will be sufficient to accommodate vehicle traffic in light of the mitigation proposed as part of the Project.

The Applicant has also demonstrated that the construction of a new ramp from Lockport Road to the I-190 is not feasible due to the distance between existing ramps, timing considerations, and constructability concerns due to the location of existing rail lines and other adjacent development. Further, NYSDOT and the Town's independent consultant, GHD, have carefully reviewed the proposed traffic mitigation for the Project and confirmed the sufficiency of the same. NYSDOT's correspondence confirms that NYSDOT will continue to work with the Applicant with respect to the Project, and that the mitigation proposed is appropriate and sufficient.

Parking at the Facility consists of approximately 1,755 employee parking stalls to provide parking for employees passenger vehicles, 16 motorcycle parking spaces, 414 trailer parking spaces, and 55 loading docks, as well electrical vehicle charging stations. Such parking is anticipated to be sufficient to accommodate the approximately 1,000 employees anticipated to work at the Facility in one of two daily shifts. Although there is currently no transit route immediately adjacent to the Site, the Project has been designed to accommodate an on-site transit stop and the Applicant is working with NFTA, an Involved and Interested Agency as set forth in **Exhibit A**, to extend its existing transit

routes to add a stop on the Site.

Pedestrian sidewalks exist along both sides of Military Road, and there is a sidewalk along the north side of Packard Road that extends to the east of the eastern Packard Road/Porter Road intersection to Haseley Drive. Another sidewalk is located along the south side of Niagara Falls Boulevard to the east of Walmore Road. While there are no dedicated bicycle facilities or lanes, bicyclists are permitted to share the road on all roadways in the area, except for the I-190 ramps.

With respect to traffic safety concerns, the Updated TIS includes a crash investigation in order to identify inherent safety issues, identify potential crash patterns and clusters, and to provide for appropriate mitigation to minimize safety concerns. Notably, seven of the nine crashes at the Lockport Rd/Packard Rd intersection can be corrected by signaling the intersection. As such, the mitigation proposed as part of the Project will improve the overall safety at this intersection. Additionally, as discussed above, at the request of residents located on Packard Rd, the Updated TIS includes a “gap analysis,” which shows that, even during Site peak hours, the residential drives located on Packard Road will have sufficient time to enter and exit on/from Packard Road.

The Project can be reasonably accommodated by existing roadway network with the mitigation detailed in the Application and herein. Accordingly, the Project will not have any significant adverse impacts on traffic.

14. Impact on Energy.

As indicated on the FEAF and discussed in the Environmental Analysis provided with the Application as Exhibit 12, the Project is anticipated to create an additional demand for approximately 3,350 megawatt hours (MWh) of electricity. Electricity will be used to provide lighting and energy for warehouse and accessory office operations. National Grid services the electricity to the Site and has indicated that there is sufficient capacity to accommodate the Project’s energy needs, and the Project will include the construction of a new substation to service the Project. The Project will also utilize natural gas for heating and to operate ventilation and HVAC systems. National Fuel services gas service to the Site and is working with the Applicant to confirm service and capacity requirements. Both electric and gas service will be extended to the Site from existing utility lines that run along the Site to the north and south. Notably, the majority of energy needs in Niagara County are supplied by a renewable energy source, such as hydroelectric power. The Applicant is working with the respective utilities to finalize such plans. Notwithstanding the anticipated increase in energy usage required for the Project, certain energy conservation measures are implemented as part of the Project, including use of high-efficiency motors and transformers, LED lighting, motions sensors to avoid lighting areas not in use, and use of temperature set points to maximize energy conservation potential.

Accordingly, the Project is not anticipated to have a significant adverse impact on energy.

15. Impact on Noise, Odor and Light.

a. Noise

As discussed in the Environmental Analysis provided with the Application as Exhibit 12, noise impacts for development of the Site were previously studied within the context of the GEIS. The GEIS contemplated that development of a new heavy industrial use at the Site would increase noise above existing ambient noise levels. As specific to the Project, a Sound Report was prepared and provided with the Application as Exhibit 12.A to assess potential sound impacts associated with the Project. As detailed in the Sound Report, the Site is located adjacent to various existing sources of significant background noise, including NFIA, NFARS and other uses. Further, the Sound Report provides that the Project will mitigate noise impacts during construction and operations by (1) outfitting trucks owned and controlled by the Applicant with smart, ambient sensing, multi-frequency back-up alarms, (2) limiting all heavy equipment operation to non-noise-sensitive daytime hours and follow town construction hours, (3) limiting the number of equipment operating near one receptor at a given time and avoiding exposing any one receptor to high sound levels for an extended period of time, (4) placing stationary equipment, such as generators, compressors, and office trailers, away from noise-sensitive receptors, (5) avoiding the placement of construction parking or laydown areas near noise-sensitive receptors, and (6) coordinating high sound level construction activities with Town representatives and providing advanced notice to residents as feasible. The Sound Report concludes that although the Project will produce noise that will exceed existing ambient noise levels during construction and operation, such increased levels of noise will nonetheless meet all applicable NYSDEC guidelines. Further, the Sound Report modeled the significant background noise in the vicinity of the Site against the steady and intermittent Site sounds, and, concluded that Project noise levels will be below existing average and maximum ambient noise levels respectively.

Accordingly, the Project is not expected to have any negative acoustical impact per NYSDEC guidelines, and as such, the Project will not have any significant adverse impact on noise.

b. Odor

The Project may create some additional odors at and around the Site as a result of vehicle traffic to and from the Site during both the construction and operation phase of the Project. However, such odors are routine odors, similar to existing odors at and around the Site, and will likely occur for less than one hour each day. Moreover, given the large size of the Site, any odors created at the Site are likely to dissipate over the distance between the Site and surrounding uses, including residential uses in the area surrounding the Site.

Accordingly, the Project will not have any significant adverse impact on odors.

c. Light

As discussed in the Environmental Analysis provided with the Application as Exhibit 12 the Project includes light only to the extent of providing sufficient light for safe circulation of traffic and people at the Site. Specifically, the Project will require nighttime lighting in parking and loading areas and around the buildings. The Project will install building-mounted light sources at 25 feet in height and pole-mounted light at a maximum height of 40 feet. As shown in the lighting plan provided with the Application, high quality lighting will be installed as part of the Project, consisting of high-efficiency LED fixtures that will focus light in needed areas and eliminate light spillover to adjacent areas. Such lighting is dark-sky compatible with cut-off shields to provide uniform and energy-conscious illumination of walkways and parking lots. Any light spillage is limited to a small section of Site driveways for safety purposes, and does not cross over onto residential properties. Moreover, the area around the Site already includes large-scale institutional uses, the NFIA and NFARS, which utilize lighting in the area around the Site and are generally well-lit such that existing conditions at the Site already incorporate significant lighting.

Accordingly, the Project will not have any significant adverse impact on light.

16. Impact on Public Health.

As indicated on the FEAF, which was provided with the Application as Exhibit 11, the Site is adjacent to a nearby remedial site included in the NYSDEC Environmental Site Remediation Database and identified as Site ID No. 932106. This remediation site is located to the south and east of the Site and was previously used for storage of hazardous waste from aircraft maintenance activities. In 2001, closure of the hazardous waste storage unit was approved by NYSDEC, which required certain corrective actions at the Site. Study of the remediation site identified 13 sites where past disposal/storage activities indicated a potential for environmental contamination, 10 of which required groundwater monitoring. In connection with an order on consent and administrative settlement entered into in August 2016, groundwater monitoring is ongoing at this remediation site (which is not located on-Site where the Project will be undertaken). No disturbance of this adjacent remedial site is proposed in connection with the Project.

Located immediately adjacent to the Site, at 9155 Lockport Road, is the Empower Intermediate Care Facility (“Empower”). Empower serves as a 10-bed facility, licensed by New York State as an around-the-clock residence that supports individuals with intellectual and developmental disabilities who require an institutional level of care. The FEAF identifies the above-referenced neighboring contamination, however, (as detailed above), the Project does not pose any risk of contamination (either by generating contaminants, storing contaminants, or releasing existing contaminants) which would pose a threat to Empower. Further, the Applicant has had multiple discussions with Empower staff, board members, and operations teams and addressed all questions raised with respect to the Project. In addition, the Updated TIS includes a gap analysis that shows that the traffic mitigation proposed for the Project (particularly with respect to traffic signals) will create a traffic calming effect in the vicinity of the Site, allowing for

safer driveway access to and from Empower (as well as residences along Lockport and Packard roads). Finally, as depicted in the Site Plans, Visual Analysis, and Sound Report, Empower's facility will benefit from the significant proposed screening, including the extensive landscaping plan and the approximately 12' to 14' high landscaped berm proposed along the frontage of the Site, as well as the size of the Site and significant setbacks incorporated into the Facility design.

Additionally, the Niagara Drag Strip is located on the southern portion of the Site. As noted in the FEAF, provided with the Application as Exhibit 11, there were potential releases of oil and/or hazardous materials including petroleum products at the strip, which may have impacted soil, groundwater and/or soil gas quality at the Site. Notwithstanding the potential history of contamination at the Site, there are no institutional controls limiting the use of the Site, no proposed disturbance of any remedial sites (including potentially affected on-Site areas), and any potential impacts related to remedial action at the Site and in the area around the Site are sufficient to minimize any potential impact to public health.

Otherwise, the construction activities and operational activities at the Site do not involve the sort of activities that would impact public health. To the extent that additional solid waste may be generated at the Site, such waste will be handled by a private contractor and disposed of and/or recycled as necessary. Likewise, the Project will generate additional liquid waste in the amount of 44,022 gallons per day, which will be handled by the Niagara County Water District. Per consultation with the Niagara County Water District, an Involved and Interested Agency as set forth in **Exhibit A**, its facilities have sufficient capacity to handle such increase in sanitary wastewater.

With respect to the scale of the Facility and fire-safety concerns, the design of the Facility has been carefully reviewed by the Town Building Inspector, Town Fire Inspector, Town Fire Chief, and the New York State Department of State Board of Review ("NYSDOS"). NYSDOS, in response to an application from Applicant for variances from certain sections of the Building Code of New York State ("**Uniform Code**"), specifically found (in relevant part) that the Facility will provide an equal, if not greater, level of safety than that required by the Uniform Code requirements. Factors supporting NYSDOS' determination are detailed in the determination and include (but are not limited to) the facts that:

- The Facility utilizes two independent water sources, each with its own pump.
- Separate fire loops, each redundantly fed, supply the sprinkler and storage systems for the Facility.
- The Facility's water sources are sized to provide three hours of water to the fire sprinkler and standpipe systems.
- Stair towers will have positive pressure systems.
- Applicant shall prepare a fire safety plan and provide the same to the Town of Niagara Fire Company, to be reviewed by the Town prior to the issuance of a certification of occupancy.
- Applicant shall assist the Town of Niagara Fire Company with preparing a fire

department response plan to be reviewed and approved by the Town prior to the issuance of a certification of occupancy.

As such, the Facility meets or exceeds the performance based safety requirements of the Uniform Code.

Accordingly, the Project will not have any significant adverse impacts to public health.

17. Impact on Community Plans.

As detailed above, the Site was identified by the Town as suited for development as a Shovel Ready site with a zoning classification for heavy industrial uses. An evaluation was undertaken by the Town, County, and State for this purpose, and the Site was identified by the Town as being well-suited for this Project. The Site is consistent with the character of the surrounding uses, which includes the NFIA to the east and south, a mix of commercial and industrial uses to the west, and the NFARS to the east. While the Site is listed as Agricultural District No. 7 in the Niagara County Agricultural & Farmland Protection Plan, the Town has long-planned for the Site to be converted from farmland to industrial use as stated in the Comprehensive Plan, and as demonstrated by the Town's rezoning of the Site from agricultural to the HI District.

The Town's bulk regulations for the HI District were incorporated into the design of the Facility, and while area variances (due to height, signage size and number, and design of the access road) are required, the variances and overall improvements to the roadway network will facilitate the development of a modern warehouse distribution facility at a location with convenient access to I-190 less than 1.5 miles to the southwest on the Site selected by the Town both in 2011 for such development and more recently for the Project itself. The Project will serve as a catalyst for economic activity through the creation of construction and operation jobs and a substantial tax base on what is now vacant land, long targeted for development. The long-term impact, in addition to job creation, would include additional economic activity generated around the Site. All of these factors contribute to developing a balanced and vibrant economy consistent with the goals and objectives of the Comprehensive Plan, especially related to industrial development, and the Site's Shovel Ready Certification.

Although the Site is not currently developed, there is sufficient capacity available for water, sewer, electric and natural gas service to service the Project in the area as detailed herein. The Project is consistent with the overall vision and goals of the Town to activate a Site that is approved for industrial use to further economic development.

Accordingly, the Project will not have significant adverse impacts to community plans and will in fact further the community plans as set forth in the Comprehensive Plan and GEIS.

18. Impact on Community Character.

The Code authorizes the Facility as a permitted use in the Town's Light Industrial District, with such uses also permitted in the Site's HI District. The Project is consistent with setback, lot coverage, and other dimensional requirements of the Town Code, with the exception of the height limitation of the HI District, the proposed location of one of the access points of the Site, and the number and size of building and monument signs. While the Project requires area variances to address these matters, as set forth in the Application and First Application Supplement submitted April 12, 2022, the deviations from the Code will not significantly adversely impact neighboring land uses and are appropriate given the size of the Site and the scale of the Project, including the significant landscaping plan, the approximately 12' to 14' high landscaped berm proposed along the frontage of the Site, and the substantial mitigation proposed in the Updated TIS with respect to traffic. Applicant is currently seeking certain area variances (Facility height, signage size and number, and design of the access road) from the ZBA, which can only be granted or denied subsequent to adoption of this Negative Declaration.

The Project is consistent with the industrial goals for the Town of Niagara outlined in the Comprehensive Plan. In 2011 the Site was extensively reviewed by the Town in connection with obtaining Shovel-Ready certification pursuant to Empire State Development's Build-Now NY program. As indicated by the Site's Shovel Ready certification, the Site has been long-targeted for development, and the Town has identified the Site as an appropriate location for the Project as detailed in the Town Letter. As part of obtaining the Shovel Ready certification, the Town conducted a review pursuant to SEQRA and completed the GEIS.

Although the Project is located within the Agricultural portion of the Town in the Future Land Use Map of the 2018 Comprehensive Plan, the Plan notes that "the Town supports the conversion of these lands to other uses over time as the viability of agricultural operations in Niagara changes." The GEIS contemplated that the entirety of the Site would be converted from agricultural use to a use consistent with the Heavy Industrial District. Here, the Project seeks to make productive use of underutilized lands as contemplated in the 2018 Comprehensive Plan. The 2018 Comprehensive Plan includes a number of recommendations for the Town with respect to economic goals. As detailed in the Application, the Project will serve these goals as follows: The Project will build the local commercial tax base through infill development; include access to public transit within the Town; develop the Site, which has been long-targeted for development by the Town; support the diversification of local business and industry by creating economic opportunities for other local businesses in the Town to service the Project and its employees at the Site; and promote development of industries utilizing both skilled and unskilled labor. Accordingly, although variances are required, the Project is consistent with the underlying zoning classification of the Site, the Site's Shovel Ready Certification and the Comprehensive Plan, as well as the overall development goals of the Town.

In addition, the Site is consistent with the character of the surrounding uses, which includes the NFIA and NFARS to the east and south. The Site is also mentioned in the proposed "Industrial Land Development" section of the Comprehensive Plan as an area

for ultimate light industrial use (in reference to the area adjacent to the NFIA) that can be compatible with the airport and other adjacent uses. Consistent with Code Section 245-66, the Application was provided to Involved and Interested Agencies, the NFTA, NFIA, and NFARS. As detailed in the Second Application Supplement dated June 2, 2022, the Applicant and NFARS have had ongoing discussions regarding the Project, and the proposed Project design and traffic mitigation addresses NFARS concerns and will benefit NFARS by adding turn lanes to accommodate NFARS' main access gate (already warranted under existing conditions), and the Applicant will continue to work cooperatively with NFARS going forward.

While the Facility is visible from immediately surrounding areas, most of the visual impact will be along Lockport and Packard roads where visual sensitivity is lowest due to the proximity of the existing NFIA, NFARS, and significant proposed landscaping including berms. While the Facility has a proposed footprint of approximately 650,000 SF and a proposed height of 107 feet, any potential aesthetic impacts are sufficiently mitigated by the Facility location on the Site, the size of the overall Site where the Facility will be developed, the fact that majority of the Site will remain undeveloped, significant setbacks from surrounding lot lines, the distance from surrounding development, screening provided by the existing wooded area, proposed extensive landscaping, and the surrounding airport and quarry uses.

Moreover, south and east of the Site is the NFIA within the Town's Light Industrial (LI) zoning district. The NFIA will remain in its current state, acting as a buffer area for other existing residential/commercial development in the area. North of the Site across Lockport Road consists of Business-1 (B-1) district lots developed with residential homes, agriculture, and commercial business. Additionally, heavy industry zoning continues north of Lockport Road whereas Residential zoning (R-1) is found further west of Packard Road. The majority of the surrounding area, however, is zoned Light Industrial. The Site itself is zoned Heavy Industrial and went through the extensive GEIS and Shovel Ready certification processes. Further, the Project was solicited by the Town for this Site as detailed in the Town Letter. The proposed Project is consistent with the character of the surrounding uses. Furthermore, given the size of the Site, significant setbacks, areas left undisturbed by the Project, and minimal lot coverage from the footprint of the Facility resulting from the Facility's height, the Project is well-suited for the Site.

The Project will not replace or eliminate existing facilities, structures or areas of historic and cultural importance to the community. It is anticipated that community services are sufficient to accommodate the Project. The Project will not impact use of Veterans Memorial Park, the closest park to the Site, since is located approximately 2.2 miles from the Site.

The Project design addresses feedback from the public, and includes extensive improvements to the roadway network in the vicinity of the Site. While the scale of the Project differs from nearby development, given the size of the Site and the location of the Facility on the Site adjacent to the airport, no significant adverse impacts to neighboring

properties are anticipated. Potential aesthetic impacts are mitigated as shown in the Visual Analysis, including the Supplemental Visual Analysis. The Project will not introduce objectionable lighting or noise to the area, and the Site has been targeted for development by the Town, County, and State.

The Project will result in a new e-commerce storage and distribution facility on currently vacant land, targeted for development, that has been zoned for heavy industrial uses and is a NY State Shovel Ready certified Site. Accordingly, the Project will not have any significant adverse impacts to community character.

19. Cumulative/Growth Inducing Impacts.

Certain proposed actions covered under the SEQRA process have the potential to trigger further development by either attracting a significant local population, inviting commercial industrial growth, or by inducing the development of similar projects adjacent to the project constituting an action. The Project has the potential to induce growth in the Town and the surrounding areas through employment opportunities and ancillary businesses. The development of the Project will result in a significant number of construction workers with seasonal employment at the Site, and permanent jobs for the Facility operation. It is anticipated that these workers will come from the Buffalo-Niagara region, and that many of these workers will be drawn from the existing labor pool along with residents of Niagara County and Western New York, within an approximate 60 to 70 mile radius of the Site.

Some jobs may be filled by professionals moving into the area. However, the Project is not expected to significantly adversely impact the local housing market in the Town, as no significant relocation to the area is anticipated. Construction workers and Facility employees will most likely patronize restaurants, hotels/motels, entertainment facilities, and other services provided in the vicinity of the Site and surrounding communities. While the Project has the potential to induce growth, as discussed above, it will be consistent with the local zoning and the Comprehensive Plan.

Accordingly, the Project will not have any significant adverse growth inducing impacts on the Town.

Section 3. A thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that, overall, a number of temporary and/or moderate environmental impacts have been identified in connection with the Project, but analysis of these potential impacts reveals that, where necessary, such impacts have been mitigated to the greatest extent possible by the Project design, and none of these impacts will be significant. Accordingly, a negative declaration (“Negative Declaration”) pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

Section 4. Town staff are hereby further authorized on behalf of the Town Board, or acting together or individually, to distribute copies of this Resolution to the Applicant and to do such



further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution, including compliance with such notification requirements as are set forth pursuant to SEQRA.

Section 5. This Resolution, which is adopted by a majority vote of the Town Board, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)) for the Project, and is issued by the Town Board pursuant to and in accordance with SEQRA in a coordinated environmental impact review, shall take effect immediately.

EXHIBIT A**JB2 Partners, LLC - Storage and Distribution
Facility List of Potentially Interested and Involved Agencies**

1. Town of Niagara Town Board
c/o Lee Wallace, Town Supervisor
7105 Lockport Road
Niagara Falls, New York 14305
2. Town of Niagara Planning Board
c/o Barbara Hathaway, Chairperson
7105 Lockport Road
Niagara Falls, New York 14305
3. Town of Niagara Zoning Board of Appeals
c/o Tom Cuddahee, Chairperson
7105 Lockport Road
Niagara Falls, New York 14305
4. Town of Niagara Building Inspector
c/o Charles Haseley
7105 Lockport Road
Niagara Falls, New York 14305
5. Town of Niagara Town Engineer
7105 Lockport Road
Niagara Falls, New York 14305
6. Town of Niagara Active Hose Company Incorporated
Attn: Chief William Jasper, Jr.
6010 Lockport Road,
Niagara Falls, NY 14305
7. Town of Niagara Fire Inspector
William Jasper
7105 Lockport Road
Niagara Falls, New York 14305
8. Niagara-Wheatfield Central School District
c/o Daniel Ljiljanich, Superintendent
5700 West Street
Sanborn, NY 14132

9. Niagara County Center for Economic Development
c/o Michael Casale, Commissioner
6311 Inducon Corporate Drive
Samuel M. Ferraro Center, Suite One
Sanborn, New York 14132
10. Niagara County Sewer District
c/o Thomas W. Blodgett, P.E.
7346 Liberty Dr.
Niagara Falls, NY 14304
11. Niagara County Health Department
Environmental Health Division
5467 Upper Mountain Road, Suite 100
Lockport, New York 14094
12. Niagara County Department of Public Works, Division of Highways, Bridges & Structures
c/o Deputy Commissioner of Highways
Niagara County Highway Garage
225 South Niagara Street
Lockport, New York 14094
13. Niagara County Water District
c/o David K. Branch, Superintendent of Water Transmission
5450 Ernest Road, PO Box 315
Lockport, NY 14095-0315
14. Niagara County Industrial Development Agency
c/o Susan Langdon, Executive Director
6311 Inducon Corporate Drive
Samuel M. Ferraro Center, Suite One
Sanborn, New York 14132
15. Niagara County Planning Board
c/o Amy Fisk, Brownfield Program Manager
6311 Inducon Corporate Drive
Samuel M. Ferraro Center, Suite One
Sanborn, New York 14132
16. Niagara County Manager
Richard E. Updegrove
Philo J. Brooks Co. Office Building, 2nd Floor

59 Park Avenue
Lockport, New York 14094

17. New York State Department of Environmental Conservation, Region 9
c/o Mr. David Denk, Regional Permit Administrator
270 Michigan Avenue
Buffalo, New York 14203-2999
18. New York State Thruway Authority, Buffalo Division
Division Permit Coordinator
455 Cayuga Road, Suite 800
19. New York State Department of Transportation
Region 5 – SEQR/Planning
c/o Francis P. Cirillo, Director
100 Seneca Street
Buffalo, New York 14203
20. New York State Department of State
Attn: Andrew Hvisdak
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001
21. New York State Office of Parks, Recreation and Historic Preservation
c/o Ms. Josalyn Ferguson
625 Broadway
Albany, New York 12207
22. New York Department of Agriculture and Markets
c/o Richard Ball
10B Airline Drive
Albany, NY 12235
23. New York Power Authority
123 Main Street
Corporate Communications
Mail Stop 10B
White Plains, New York 10601

24. Niagara Falls Air Reserve Station¹
Attn: Kimberly Powell
10405 Lockport Road
Niagara Falls, NY 14304
25. Empire State Development Corporation
c/o Amanda Mays, Regional Director
95 Perry Street, Suite 500
Buffalo, New York 14203
26. United States Army Corps of Engineers, Buffalo District
c/o Molly Connerton
1776 Niagara Street
Buffalo, NY 14207
27. United States Environmental Protection Agency
Lisa F. Garcia, Regional Administrator
290 Broadway
New York, NY 10007-1866
28. United States Fish and Wildlife
c/o New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045

¹ Pursuant to Town of Niagara Local Law 2021-4, complete copies of the Application were provided via email to the Niagara Falls Air Reserve Station, Niagara Falls International Airport, and Niagara Frontier Transportation Authority.