

**FINAL RESOLUTION**

*(Amazon.com Services LLC Project)*

A regular meeting of Niagara County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York on the 10<sup>th</sup> day of August, 2022 at 9:00 a.m., local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

Mark A. Onesi	Chairman
Jerald I. Wolfgang	First Vice Chairman
Kevin McCabe	Second Vice Chairman
William L. Ross	Secretary
Jason Krempa	Member
Clifford Scott	Member
Robert B. Cliffe	Member

ABSENT:

Scott Brydges	Assistant Secretary
Maria V. Lopez	Member

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Susan C. Langdon	Executive Director
Andrea Klyczek	Assistant Director
Michael Dudley	Finance Manager
Susan Barone	Grants & Operations Manager
Jeremy Geartz	Project Manager
Julie Lamoreaux	Administrative & Human Resource Officer
Mark Gabriele, Esq.	Agency Counsel

The following resolution was offered by Mr. Wolfgang, seconded by Mr. Krempa, to wit:

Resolution No. 7.1.1

RESOLUTION OF THE NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TO (i) UNDERTAKE A CERTAIN PROJECT FOR THE BENEFIT OF AMAZON.COM SERVICES LLC AND/OR AN INDIVIDUAL(S) OR AFFILIATE, SUBSIDIARY, OR ENTITY FORMED OR TO BE FORMED ON ITS BEHALF (AS MORE FULLY DEFINED BELOW); (ii) DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; (iii) NEGOTIATE AND EXECUTE A LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT, PILOT MORTGAGE AND RELATED DOCUMENTS; AND (iv) PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION FOR THE FINANCING RELATED TO THE PROJECT; AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 569 of the Laws of 1972 of the State of New York (the "Act"), **NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property and to issue its bonds as authorized by the Act; and

WHEREAS, **AMAZON.COM SERVICES LLC**, and/or an individual(s) or affiliate, subsidiary, or entity or entities formed or to be formed on its behalf (the "Company"), has submitted an application to the Agency, a copy of which is on file at the office of the Agency (the "Application"), requesting that the Agency consider undertaking a project (the "Project") consisting of: (A) the acquisition or retention by the Agency of a leasehold interest in an approximately 217 acres of vacant property located at 8995 Lockport Road in the Town of Niagara, Niagara County, New York (the "Land"); (B) the construction of an approximately 3,000,000 square foot building for use as a storage and distribution facility (the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment" and collectively with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to Article 18-A of the General Municipal Law the Agency desires to adopt a resolution describing the Project and the financial assistance that the Agency is contemplating with respect to the Project; and

WHEREAS, on July 13, 2022, the Agency adopted a resolution (the "Preliminary Resolution") accepting the Application and directing that a public hearing be held; and

WHEREAS, it was contemplated that the Agency would hold a public hearing and (i) negotiate an agent agreement (the "Agent Agreement") whereby the Agency will designate the Company as its agent for the purpose of acquiring, constructing and equipping the Project, (ii) negotiate a lease agreement (the "Lease Agreement"), leaseback agreement (the "Leaseback Agreement"), payment-in-lieu-of-tax agreement (the "PILOT Agreement") and payment-in-lieu of tax mortgage (the "PILOT Mortgage") with the Company, (iii) take or retain fee title to, leasehold or other interest in the Land, Improvements, Equipment and personal property constituting the Facility (once the Lease Agreement, Leaseback Agreement, PILOT Agreement and PILOT Mortgage have been negotiated), and (iv) provide financial assistance to the Company in the form of sales and use tax exemption benefit, a mortgage recording tax exemption benefit for financing related to the Project, and a partial real property tax abatement benefit all consistent with the policies of the Agency (collectively, the "Financial Assistance"); and

WHEREAS, on the 3<sup>rd</sup> day of August, 2022, at 200 p.m. at the Town of Niagara Town Hall, 7105 Lockport Road, Town of Niagara, New York 14305 the Agency held a hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Minutes of the Public Hearing along with the Notice of Public Hearing published and forwarded to the affected taxing jurisdictions prior to said Public Hearing are attached hereto as **Exhibit A**;

WHEREAS, in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 NYCRR Part 617 (collectively referred to as the "State Environmental Quality Review Act" and/or "SEQR"), the Town Board undertook coordinated review with respect to the Project, established itself as Lead Agency as defined in SEQR, determined that the Project was an Unlisted Action, took a hard look at the potential adverse environmental impacts associated with the Project, and issued a negative declaration ("Negative Declaration") under SEQR on June 23, 2022 (attached hereto as **Exhibit B**) with respect to the Project; and

WHEREAS, pursuant to 6 NYCRR Part 617.6, the determination of significance/Negative Declaration issued by the Town Board as Lead Agency following a coordinated review is binding on all other involved agencies including the Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. Based upon a thorough and complete review of the Application and its accompanying materials and information, the SEQR Environmental Assessment Form and accompanying documents submitted to the Agency by the Company, and the proceedings conducted by the Town Board pursuant to SEQR, the Agency hereby:

(A) consents to and affirms the status of the Town Board as "Lead Agency" within the meaning of and for all purposes of complying with SEQR and determines that the proceedings

undertaken by the Town Board under SEQR with respect to the undertaking of the Project by the Company (as agent of the Agency) satisfy the requirements of SEQR;

(B) confirms that the Project involves an "Unlisted Action" as that term is defined under SEQR;

(C) reviews, considers, ratifies, and adopts such proceedings by the Town Board, including the "Negative Declaration";

(D) determines that the Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment, that the Project will not have a "significant effect on the environment" as such quoted terms are defined in SEQR, and that no "environmental impact statement" as such quoted term is defined in SEQR need be prepared for this action; and

(E) determines that all of the provisions of SEQR that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project, and the participation by the Agency in undertaking the Project, have been satisfied. This determination constitutes a "negative declaration" (as such quoted terms are defined under SEQR) for purposes of SEQR.

Section 2. The Company has presented the Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application, the Agency's written cost-benefit analysis satisfactorily identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for municipalities and school districts, and any other public benefits that might occur as a result of the Project; the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing employment opportunities and retaining existing jobs in Niagara County and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant

of the Project located within the State; and the Agency hereby finds that, based on the Company's Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries.

E) The Project qualifies for Agency Financial Assistance as it meets the Agency's evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5),

F) The Agency recognizes and confirms that this Project will employ at least 300 construction workers, and in addition, the Company has represented, and the Agency understands and has confirmed, that with respect to similarly sized projects undertaken by the Applicant (similar in size of facility and cost) in Onondaga County (completed in 2022) and Monroe County (currently under construction) that received industrial development agency financial assistance, that there was a documented lack of workers residing in the Onondaga County Industrial Development Agency and the County of Monroe Industrial Development Agency local work force areas, where actual local labor usage resulted in 70% local labor usage. The Agency further understands that based upon these two recent, and real-time examples of the need to utilize out of area workers, and 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 Agency's local labor area that are already utilizing, and will utilize, workers residing within the Agency's local labor area, the Agency hereby consents to a minimum of local labor usage for this Project of 70% of all Project employees of the general contractor, subcontractor, or subcontractor to a subcontractor working on the Project permanently residing within the Agency's Local Labor Area.

Section 3. Subject to the Company executing an Agent Agreement by and between the Agency and the Company and the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency; (i) to acquire, construct and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the Agent Agreement shall expire on the date as indicated in the Agent Agreement (*unless extended for good cause by the Chief Executive Officer of the Agency*).

Section 4. Pursuant to Section 875(3) of the New York General Municipal Law, the Agency may recover or recapture from the company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if

it is determined that: (i) the Company, its agents, constants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project. As a condition precedent of receiving sales and use tax exemption benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 5. The Agency hereby confers on the Company in connection with the Project the Financial Assistance consisting of: (a) an exemption benefit from all New York State and local sales and use tax exemption benefits for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction or equipping of the Facility, (b) an exemption benefit from mortgage recording tax, and (c) a partial abatement from real property taxes benefit conferred through a certain 15 year Payment in Lieu of Tax Agreement. The Agency will provide the Company with Project incentives totaling \$123,922,474.00 as presented within the Application and cost benefit analysis, comprised of real property tax exemption benefits, in the estimated amount of \$94,374,974.00, sale and use tax exemption benefits of approximately \$26,000,000.00 and Mortgage Tax Exemption benefits of approximately \$3,547,500.00. To effectuate this Resolution, the Chairman, Vice Chairman and/or the Executive Director of the Agency are hereby authorized, on behalf of the Agency, to negotiate and execute (A) the Lease Agreement whereby the Company leases the Project to the Agency, (B) the related Leaseback Agreement conveying the Project back to the Company, and (C) the PILOT Agreement with real property tax exemption benefits; provided (i) the rental payments under the Leaseback Agreement include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy or the procedures for deviation have been complied with.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mark Onesi	[ x ]	[ ]	[ ]	[ ]
Jerald I. Wolfgang	[ x ]	[ ]	[ ]	[ ]
Kevin McCabe	[ x ]	[ ]	[ ]	[ ]
William L. Ross	[ x ]	[ ]	[ ]	[ ]
Scott Brydges	[ ]	[ ]	[ ]	[ x ]
Clifford Scott	[ x ]	[ ]	[ ]	[ ]
Robert B. Cliffe	[ x ]	[ ]	[ ]	[ ]
Jason Krempa	[ x ]	[ ]	[ ]	[ ]
Maria V. Lopez	[ ]	[ ]	[ ]	[ x ]

The Resolutions were thereupon duly adopted.



**EXHIBIT A**

**NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Niagara County Industrial Development Agency (the "Agency") on the 3<sup>rd</sup> day of August, 2022, at 2:00, local time, at the Town of Niagara Town Hall, Conference Room, 7105 Lockport Road, Niagara Falls, New York 14305, in connection with the following matter:

**AMAZON.COM SERVICES LLC**, and/or an individual(s) or affiliate, subsidiary, or entity or entities formed or to be formed on its behalf (the "Company"), has submitted an application to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of: (A) the acquisition or retention by the Agency of a leasehold interest in an approximately 217 acres of vacant property located at 8995 Lockport Road in the Town of Niagara, Niagara County, New York (the "Land"); (B) the construction of an approximately 3,000,000 square foot building for use as a storage and distribution facility (the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment" and collectively with the Land and the Improvements, the "Facility").


The Agency will acquire a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions and a mortgage tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

This public hearing is being conducted in accordance with Subdivision 2 of Section 859-a of the New York General Municipal Law.

DATED: July 14, 2022

NIAGARA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

By:   
Susan C. Langdon  
Executive Director

**NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law will be held by the Niagara County Industrial Development Agency (the "Agency") on the 3rd day of August, 2022, at 2:00, local time, at the Town of Niagara Town Hall, Conference Room, 7105 Lockport Road, Niagara Falls, New York 14305, in connection with the following matter:

AMAZON.COM SERVICES LLC, and/or an individual(s) or affiliate, subsidiary, or entity or entities formed or to be formed on its behalf (the "Company"), has submitted an application to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of: (A) the acquisition or retention by the Agency of a leasehold interest in an approximately 217 acres of vacant property located at 8995 Lockport Road in the Town of Niagara, Niagara County, New York (the "Land"); (B) the construction of an approximately 3,000,000 square foot building for use as a storage and distribution facility (the "Improvements"); and (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment" and collectively with the Land and the Improvements, the "Facility").

The Agency will acquire a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of sales and use tax exemptions and a mortgage tax exemption consistent with the policies of the Agency, and a partial real property tax abatement.

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

This public hearing is being conducted in accordance with Subdivision 2 of Section 859-a of the New York General Municipal Law.

DATED: July 14, 2022

NIAGARA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

By: Susan C. Langdon  
Executive Director

N#302943

7/20/2022

**PUBLIC HEARING for Amazon.com  
Services LLC and/or Individual(s) or  
Affiliate(s), Subsidiary(ies), or Entity(ies)  
formed or to be formed on its behalf**

August 3, 2022 at 2:00 p.m.  
At Town of Niagara Hall

Susan Langdon: Welcome. This public hearing is now open; it is 2:XX p.m. My name is Susan Langdon. I am the Executive Director of the Niagara County Industrial Development Agency and I will be the hearing officer for this public hearing. Please note that if you wish to speak at this hearing, you must sign the speaker's sign in sheet. If there is anyone who has not had the opportunity to do that, please raise your hand now. I will call speakers to the podium by name when we reach that part of the hearing.

We are here to solicit comments, both written and oral on Amazon.com Services LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of incentives for this project. Notice of this public hearing was published in the Niagara Gazette on July 20, 2022. The notice reads as follows:

The proposed project includes the construction and operation of an e-commerce storage and distribution facility located at 8995 Lockport Road. This site is a vacant 216-acre heavy industrial zoned site that will be considered a "First Mile" fulfillment center. The facility will receive in-bound bulk shipments of products from suppliers and then send products to other facilities within the logistics network for direct shipment to consumers.

The applicant's development partner, JB2, received unanimous approvals from the Town of Niagara Planning Board and the Niagara County Planning Board. In addition, the Town of Niagara Board voted unanimously in favor of a negative declaration for the New York State Environmental Quality Review (SEQR). Items discussed at those

meetings included the consolidation of parcels, a height variance and traffic mitigation plans as a result of in-depth traffic studies.

The Niagara County Industrial Development Agency has received an application from Amazon for tax incentives for the Town of Niagara project. Processing of an application by the NCIDA involves:

- 1) Accepting the application – this was done by the NCIDA Board of Directors at their July 13 meeting
- 2) Holding this public hearing today. The NCIDA board will also accept written comments if they are received by Friday, August 5.
- 3) A final vote by the Board to approve or not approve the incentives will take place at the next NCIDA board meeting to be held on August 10<sup>th</sup>.

The proposed IDA incentives include 3 things in compliance with the Agency's uniform tax exemption policy:

- 1) **New York State and local Sales and Use tax exemption.** This will abate the sales tax on construction materials, furniture fixtures and equipment during the construction phase of the project
- 2) **Abatement of the New York State Mortgage Recording Tax.** This New York State fee is  $\frac{3}{4}$  of 1% of the mortgage filed with the Niagara County.
- 3) **A partial real property tax abatement.** The company will pay a set percentage of the property taxes that would normally be due for a period of 15 years. This is known as a Payment-in-Lieu-of-Tax agreement or "PILOT" agreement.

These three items are the only incentives being considered by the NCIDA for this project. They do not represent any payments to Amazon. They do not consist of any County or other municipal grants or loans.

Presently, the vacant land that the project will be located on generates only \$24,000 in real property taxes per year. Once the project is constructed, the taxing jurisdictions will receive over \$49 million in Payment in Lieu of Tax (PILOT) payments over the 15-year PILOT, together with roughly another \$15 million in special district taxes. When the facility goes back on the tax rolls at full valuation at the end of the

PILOT, the facility will pay a total of over 9.5 MILLION DOLLARS to the County, School District in real property taxes EVERY YEAR. This is a permanent addition to the tax base of not only the Town of Niagara, but all of Niagara County.

Based upon our cost benefit analysis program, for every \$1 in tax incentives provided to Amazon, the local community receives \$11 in benefit. The approximately \$124 million in incentives will generate approximately \$1.3 **Billion** in local benefit.

As far as the tax incentives, the proposed Payment in Lieu of Tax Agreement mirrors the PILOTs for projects in nearby Onondaga and Monroe Counties. Such a PILOT was acceptable to both of those counties and well as to Amazon, so the NCIDA feels it makes sense to follow those leads.

The project application, project summary and cost benefit analysis are posted on the Agency's website at [niagaracountybusiness.com](http://niagaracountybusiness.com) and I have copies with me today.

We have now reached the public comment portion of the hearing. Comments can be in support of or in opposition to the financial incentives being considered by the NCIDA. All comments are to be limited to this project only.

This hearing is not for accepting comments on any environmental issues nor environmental determination and this is **not** a part of the NYS SEQRA process. As I noted earlier, this has already been completed and approved by the Town of Niagara Board.

Please limit your comments to no more than 3 minutes. If your comments are more lengthy, you may submit them in writing to be attached to the transcript. Written comments can be sent to the Agency until the comment period closes on August 5. This is not a question and answer session or a debate. You may only speak once.

I will now call the first speaker. "First Speaker name" please come to the microphone, and state your name and address for the stenographer. If you are representing a company, please identify the company

I will now adjourn the meeting. It is now     p.m. Thank you.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PUBLIC HEARING FOR AMAZON.COM SERVICES, LLC

AUGUST 3, 2022  
2:00 P.M.

Taken at: Town of Niagara Hall

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SUSAN LANGDON  
Executive Director  
Niagara County Industrial Development Agency  
Appearing as Hearing Officer

ATTENDANCE NOTED ON ATTACHED SIGN-IN SHEETS

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1 MS. LANGDON: Good afternoon.  
2 Welcome. This public hearing is now open. It is  
3 2:02 p.m.

4 My name is Susan Langdon. I am  
5 the Executive Director of the Niagara County  
6 Industrial Development Agency, and I will be the  
7 hearing officer for this public hearing.

8 Please note that, as I just  
9 mentioned, if you wish to speak, you need to have  
10 signed the sign-in sheet prior. I will call the  
11 speakers to the podium by name when we reach that  
12 part of the public hearing.

13 We are here to solicit comments,  
14 both written and oral, on Amazon.com Services, LLC  
15 and/or individuals or affiliates, subsidiaries, or  
16 entities formed, or to be formed, on its behalf.  
17 The transcript of this hearing will be reviewed and  
18 considered by the Agency in determination of  
19 incentives for this project.

20 Notice of this public hearing was  
21 published in the Niagara Gazette on July 20, 2022.

22 The notice reads as follows:

23 Notice is hereby given that a public hearing

1 pursuant to Article 18-A of the New York General  
2 Municipal Law will held by the Niagara County  
3 Industrial Development Agency on the 3rd day of  
4 August, 2022 at 2:00 local time in the Town of  
5 Niagara Town Hall, 7105 Lockport Road, Niagara  
6 Falls, in connection with the following matter.

7 Amazon.com Services, LLC and/or  
8 affiliates or -- individuals or affiliates or  
9 subsidiaries or entity or entities formed, or to be  
10 formed, on its behalf, has submitted an application  
11 to the Agency, a copy of which is on file at the  
12 office of the Agency requesting that the Agency  
13 consider undertaking a project consisting of:

14 (A) The acquisition or retention  
15 by the Agency of a leasehold interest in  
16 approximately 217 acres of vacant property located  
17 at 8995 Lockport Road in the Town of Niagara,  
18 Niagara County, New York;

19 (B) The construction of an  
20 approximately \$3,000,000 -- 3,000,000 square foot  
21 building for use as a storage and distribution  
22 facility;

23 And (C) the acquisition and

1 installation around the improvements of certain  
2 items of machinery, equipment and other tangible  
3 personal property, the equipment, and collectively  
4 with the land and the improvements, the Facility.

5 The Agency will acquire a  
6 leasehold interest in the Facility, and lease the  
7 Facility back to the Company. The Company will  
8 operate the Facility during the term of the lease.  
9 At the end of the lease term the Company will  
10 purchase the Facility from the Agency, or if the  
11 Agency holds a leasehold interest, the leasehold  
12 interest will be terminated.

13 The Agency contemplates that it  
14 will provide financial assistance to the Company in  
15 the form of sales and use tax exemptions and a  
16 mortgage tax exemption consistent with the policies  
17 of the Agency, and a partial real property tax  
18 abatement.

19 A representative of the Agency  
20 will be at the above-stated time and place to  
21 present a copy of the Company's project application,  
22 and hear and accept written and oral comments from  
23 all persons with views in favor of, or opposed to,

1 or otherwise relevant to the proposed financial  
2 assistance.

3 This public hearing is being  
4 conducted in accordance with Subdivision 2 of  
5 section 859-a of the New York General Municipal Law.  
6 Dated: July 14, 2022.

7 The proposed project includes the  
8 construction and operation of an e-commerce storage  
9 and distribution facility located at 8995 Lockport  
10 Road. This site is a vacant 216-acre heavy  
11 industrial zoned site that will be considered a  
12 first-mile fulfillment center. The facility will  
13 receive inbound bulk shipments of products from  
14 suppliers, and then send shipments to other  
15 facilities within the logistics network for direct  
16 shipment to consumers.

17 The applicant's development  
18 partner, JB2, received unanimous approvals from the  
19 Town of Niagara Planning Board and the Niagara  
20 County Planning Board.

21 In addition, the Town of Niagara  
22 Board voted unanimously in favor of a negative  
23 declaration of New York State Environmental Quality

1 review. Items disclosed -- discussed at these  
2 meetings included the consolidation of parcels, a  
3 height variance, and traffic mitigation plans as a  
4 result of in-depth traffic studies.

5 The Niagara County Industrial  
6 Development Agency has received an application from  
7 Amazon for tax incentives for the Town of Niagara  
8 project. Processing of an application by the NCIDA  
9 involves:

10 1) Accepting the application.  
11 This was done by the NCIDA Board of Directors at  
12 their July 13th meeting.

13 2) Holding this public hearing  
14 today. The NCIDA Board will also accept written  
15 comments, if they are received by Friday, August  
16 5th.

17 And 3) a final vote by the Board  
18 to approve or not approve the incentives will take  
19 place at the next NCIDA Board meeting, to be held on  
20 August 10th.

21 The proposed IDA incentives  
22 include three things, in compliance with the  
23 Agency's uniform tax exemption policy:

1                   Number 1: New York State and  
2 local sales and use tax exemption. This will abate  
3 the sales tax on construction materials, furniture,  
4 fixtures and equipment during the construction phase  
5 of the project.

6                   Number 2: Abatement of the New  
7 York State Mortgage Recording Tax. This New York  
8 State fee is three-quarters of one percent of the  
9 mortgage filed with Niagara County.

10                  And 3: A partial real property  
11 tax abatement. The company will pay a set  
12 percentage of the property taxes that would normally  
13 be due for a period of 15 years. This is known as a  
14 Payment-in-Lieu-of-Tax agreement, or PILOT  
15 agreement.

16                  These three things are the only  
17 incentives being considered by the NCIDA for this  
18 project. They do not represent any payments to  
19 Amazon. They do not consist of any county or other  
20 municipal grants or loans.

21                  Presently, the vacant land that  
22 the project will be located on generates \$24,000  
23 annually in real property taxes. Once the project

1 is constructed, the taxing jurisdictions will  
2 receive over \$49,000.000 in Payment-in-Lieu-of-Tax  
3 payments over the 15-year PILOT, together with  
4 roughly another \$15,000,000 in special district  
5 taxes.

6                   When the facility goes back on the  
7 tax rolls at full valuation at the end of the PILOT,  
8 the facility will pay a total of over 9.5 million  
9 dollars to the county school district in real  
10 property taxes every year. This is a permanent  
11 addition to the tax base in not only the Town, but  
12 also to Niagara County.

13                   Based upon our cost/benefit  
14 analysis program, for every \$1.00 in tax incentives  
15 provided to Amazon, the local community receives  
16 \$11.00 in benefit. The approximately \$124,000,000  
17 in incentives will generate approximately 1.3  
18 billion dollars in local benefit.

19                   As far as the tax incentives, the  
20 proposed Payment-in-Lieu-of-Tax agreement mirrors  
21 the PILOTs for projects in nearby Onondaga and  
22 Monroe Counties. Such a PILOT was acceptable to  
23 both of those counties, as well as to Amazon. So

1 the IDA feels it makes sense to follow -- follow  
2 those leads.

3 The project application, project  
4 summary and cost/benefit analysis are posted on the  
5 Agency's website at niagaracountybusiness.com, and I  
6 have copies with me today up on the front table.

7 We have now reached the public  
8 comment portion of the hearing. Comments can be in  
9 support of, or in opposition to, the financial  
10 incentives being considered by the NCIDA.

11 All comments are to be limited to  
12 this project only.

13 The hearing is not for accepting  
14 comments on any environmental issues, nor  
15 environmental determination, and this is not part  
16 of the New York SEQRA process. As I noted earlier,  
17 this has already been completed and approved by the  
18 Town of Niagara Board.

19 Please limit your comments to no  
20 more than three minutes. If your comments are more  
21 lengthy, you may submit them in writing to be  
22 attached to the transcript. Written comments can  
23 also be sent to the Agency until the comment

1 period closes on August 5th. This is not a  
2 question-and-answer session or a debate. You may  
3 speak only once.

4 I will now call the first speaker.

5 Would Michael Casele please come  
6 to the microphone? State your name and address for  
7 the stenographer. If you are representing a  
8 company, please identify the company.

9 **MICHAEL CASELE:** Thank you.

10 My name is Michael Casele, Commissioner, Niagara  
11 County Department of Economic Development. I  
12 reside in Lewiston, and work at the Vantage  
13 Corporate Center in Sanborn, New York.

14 First, thank you for the  
15 opportunity to speak in support of this  
16 transformational project. This facility would be  
17 one of Amazon's largest and most sophisticated  
18 facilities, employing 1,000 people full time.

19 The workers' hourly rates  
20 includes full benefits, including health care,  
21 401(k)s and company-paid educational programs.

22 Even at the lowest estimates,  
23 these 1,000 permanent jobs will equate to

1 approximately \$35,000,000 in salaries to local  
2 families alone. And this number does not include  
3 the value of the health care benefits provided on  
4 the first day. The 1,000 new jobs and the \$15.00  
5 an hour starting salary are both very conservative  
6 numbers, as per the company.

7           It's important to note that the  
8 project will provide jobs and opportunities to those  
9 who don't possess specific work skills. Those new  
10 to the workforce will have the opportunity to learn  
11 new skills on the job, skills that will be  
12 transferable for advancement.

13           Amazon's Upskilling programs help  
14 employees gain in-demand skill sets to help propel  
15 them into new careers. You may have heard of  
16 Carrier Choice, Amazon's prepaid tuition program  
17 that offers prepaid full college tuition at hundreds  
18 of educational institutions across the country.

19           The fact that the Lockport Road  
20 facility is along a bus route will provide  
21 opportunities for employment for residents of  
22 Niagara County that would not otherwise have this  
23 opportunity. Frankly, the magnitude of this project

1 will provide employment for all Niagara County  
2 residents, and those in surrounding counties.

3           A similar impact is the local  
4 construction jobs that the project will create.  
5 As we know, due to COVID and other factors,  
6 construction jobs over the past few years have been  
7 scarce. This project will empty the local Halls,  
8 put hundreds to work for two-plus years.

9           Finally, as I had mentioned  
10 before, this site has long been targeted for  
11 development by both State and local officials.  
12 In fact, it was designated a Build Now New York  
13 shovel-ready certified site in 2012, a designation  
14 that came following a lengthy application process  
15 that involved the Niagara County Center for Economic  
16 Development and its local partners, with the  
17 application being thoroughly vetted by numerous  
18 agencies.

19           I like to share this information,  
20 because since receiving this designation we have  
21 been marketing this site as shovel-ready, which is  
22 one of the major reasons that this developer chose  
23 this site. No serious site selector would give

1 Niagara County a second look if we do not stand  
2 behind the shovel-ready certification. Word would  
3 spread fast that Niagara County balked on its  
4 promise of being shovel-ready, which would  
5 undoubtedly jeopardize our chances in the future to  
6 compete for projects that would bring significant  
7 new capital investment and new jobs to the Niagara  
8 County and its region.

9                   Once again, thank you for the  
10 opportunity to speak on this transformational  
11 project.

12                   **MS. LANGDON:**           Thank you, sir.

13                   The next speaker is Robert Taylor.

14                   **ROBERT TAYLOR:**       Yes. My name  
15 is Robert Taylor. I live at 8150 Packard Road.

16                   For the life of me, I can't  
17 imagine why a multi-billion dollar company would be  
18 receiving \$123,000,000 in tax breaks for jobs that  
19 they already reported that 95 percent of the jobs --  
20 reported to the IDA -- will be \$31,200 a year.

21                   Those jobs aren't even a  
22 sustainable wage. They can talk all they want about  
23 their benefits and their this and their that, and

1 all the other nonsense.

2 Amazon has a 150 percent turnover  
3 ratio for their employees. It's well-documented.  
4 It doesn't take a rocket scientist to go on the  
5 internet and find it. They've already reported that  
6 by the year of 2024 they will deplete the amount of  
7 people that they will be able to hire at their  
8 facilities.

9 It's awful ironic that they want  
10 all these tax breaks, and they're going to finance  
11 \$500,000,000 of the \$550,000,000, or numbers in that  
12 vicinity. Why don't they use their own money?

13 Why aren't they bringing anything  
14 to this town, that they're going to disrupt probably  
15 for the next 30 years? What are they giving the  
16 Town of Niagara? We're giving everything to them.  
17 We're receiving nothing, except traffic and just a  
18 headache. I just -- I just think it's ludicrous.

19 I think it's great for jobs, if  
20 they were sustainable jobs. Whoever made the  
21 comment, this is the biggest job since the Niagara  
22 Power Project, they shouldn't even have the position  
23 to even make a statement like that. This job

1 doesn't compare to the Niagara Power Project.

2 The average salary at the Power Project is  
3 \$75-to-\$90,000 a year, not \$31,200.

4                   They talk 401(k). Where you gonna  
5 get a 401(k)? Who's going to be able to take any  
6 money out of a \$31,000-a-year job to put money into  
7 a 401(k)? So Amazon can match, what, maybe their 20  
8 bucks that they might have extra in their paycheck  
9 that they can put out there?

10                   These number are ludicrous. It  
11 would be fantastic if this was a sustainable job for  
12 all the union people.

13                   I'm a retired union man myself.  
14 I'm retired from the Carpenters Union. This would  
15 be a great project if it was 100 percent union,  
16 which it probably will not be.

17                   But in the end of it, the jobs  
18 are \$31,200 a year. And we're going to kiss the  
19 company's rear end. They should be kissing our  
20 rear end to come in this community.

21                   And I'm sorry that our Town Board  
22 and everybody else thinks this is the greatest  
23 project. I wish they did their homework a little

1 bit longer, because this is not a great project.  
2 It is not a sustainable wage.

3 Thank you, folks.

4 MS. LANGDON: Thank you.

5 The next speaker is Ken Jonmaire.

6 KEN JONMAIRE: Good afternoon.

7 My name is Ken Jonmaire. I have three properties on  
8 Packard Road.

9 I've lived in Western New York all  
10 my life. I'm over 70 years old. And I've seen the  
11 decline of Bell Aerospace, the Summit Park Mall,  
12 the Helicopter Reserve Base at the Air Base,  
13 chemical plants in Niagara Falls.

14 And I think about President Biden  
15 and President Trump all saying that we need to bring  
16 jobs back to America. And certainly, I think that  
17 this would help to bring jobs back to Niagara  
18 County.

19 I know that we -- we -- everything  
20 taken is some kind of sacrifice to somebody. But  
21 we need to revitalize the area, and to my mind it's  
22 important.

23 I don't know about tax breaks.

1 Smarter people than me know about how tax breaks  
2 work and who should deserve them, and things like  
3 that.

4 But I do say that we need to do  
5 things to revive the county and bring it back  
6 into -- into a vibrant tourist and other  
7 manufacturing county. Thank you.

8 MS. LANGDON: Thank you, sir.  
9 Next speaker, Lynn Brooks.

10 LYNN BROOKS: Hello. My  
11 name is Lynn Brooks. I'm from OPEIU Local 153 out  
12 of New York City.

13 Our concern is if Amazon is making  
14 a sincere effort to give fair wages. I can go to  
15 McDonald's; I can go to Arby's; Wegmans; I can make  
16 \$15.00 an hour. They're not giving a fair wage with  
17 a union job.

18 With union jobs you have spot  
19 checks. You have people that can make sure that  
20 there's a proper work environment.

21 This is disgusting. With how much  
22 money this company has, to say \$15.00, an average  
23 salary, \$32 -- \$31,000. You can't live off of that.

1                   This is a union town, union  
2 community. For them not to even consider going  
3 union, I have a problem with that. And we want it  
4 noted that union should be building; union should be  
5 doing the work within Amazon. You might have a more  
6 sustainable company that really can flourish going  
7 forward. Thank you.

8                   **MS. LANGDON:**           Thank you.

9                   Next speaker, Donna Amos.

10                  **DONNA AMOS:**           Good afternoon.

11 I also am a member of Local 153.

12                   I've been at my place of  
13 employment for 50 years. I've been an active member  
14 of the union for 50 years.

15                   To try to raise a family on \$15.00  
16 an hour is literally impossible. I feel for the  
17 people who have lived in this area, and I understand  
18 change is hard to accept. However, if you are being  
19 paid a wage that you can live on and grow your  
20 family, you will have a better business, and people  
21 will stay there.

22                   I've been at my place for 50  
23 years. If they were not paying me what I deserved

1 and what I needed to raise my family, I would never  
2 have stayed there.

3 And that is why Amazon has a big  
4 turnover. They cannot retain their employees. And  
5 if you don't have happy employees, you don't have a  
6 good business.

7 I truly wish that Amazon would  
8 think about the people that live in this area, and  
9 take into consideration what these people who live  
10 here are going to have to go through, and work with  
11 them to make it a good environment and a good  
12 business in this area. Thank you.

13 MS. LANGDON: Thank you.

14 Next speaker, Theodore Getman.

15 THEODORE GETMAN: Thank you, My  
16 name is Theodore Getman. I live at 2410 River Road  
17 in Wheatfield.

18 As I said, I'm a resident of  
19 Wheatfield, and I have two children in the  
20 Niagara-Wheatfield School District.

21 A recent economic impact study  
22 featured in Bloomberg, which is, I think we can all  
23 agree, hardly an anti-business publication, studied

1 the impact of corporate tax benefits on nearly 2,500  
2 school districts in the United States. 97 percent  
3 of them forgone -- gave up revenue greater than  
4 \$5,000,000 as a result of these tax breaks. On a  
5 per-pupil basis, 149 of these districts lost more  
6 than \$1,000 per student. These subsidies eat into  
7 school budgets or result in tax increases.

8 In 2020, 24 percent of  
9 Niagara-Wheatfield students or families lived in  
10 poverty, compared to 15 percent statewide.  
11 Niagara-Wheatfield already spends \$5,000 less per  
12 pupil than the state average in New York, according  
13 to data at NYSED.org. Can Niagara-Wheatfield School  
14 District afford to spend less per student?

15 Some today are going to say  
16 without tax increases Amazon's not going to come  
17 here -- or tax incentives, Amazon won't come here.  
18 To them, I cite the same Bloomberg article.

19 A prominent tax incentive  
20 researcher, Michael Farren from George Mason  
21 University, said subsidies do not create growth.  
22 The trade-offs that occur result in higher taxes  
23 or reduced services, or both. Investing in

1 education increases returns of better productivity.  
2 Any dollar spent on education will have a larger  
3 impact over the long run than any dollar spent on  
4 any business incentive.

5 So we have a choice; we can raise  
6 taxes, lose services, or worse yet, both due to the  
7 lost tax revenue, or continue to invest in education  
8 and other services for our children.

9 I hope the group here considers  
10 this. Otherwise, our children might not have any  
11 other choice other than the unskilled labor at  
12 Amazon for their future, due to the corporate tax  
13 bailouts that you're going to give to these -- to  
14 Amazon today. And I echo everyone who spoke of  
15 their union. Thank you.

16 MS. LANGDON: Thank you.

17 Next speaker, George Maziarz.

18 GEORGE MAZIARZ: Thank you  
19 very much. My name is George Maziarz. I live in  
20 Lockport, New York.

21 First of all, there are nine  
22 members on the IDA Board of Directors. How many  
23 members of the IDA Board are here today to hear the

1 public hearing, to hear the public comments about  
2 this project that they're going to be voting on one  
3 week from today? How many members? Bill Ross  
4 and -- I'm sorry, sir, I don't know your name.

5 **SCOTT BRYDGES:** Scott Brydges.

6 **GEORGE MAZIARZ:** Scott. Two  
7 members out of nine.

8 Ultimately, the Niagara County  
9 Legislature appoints the members of the IDA Board,  
10 the nine-member board. How many Niagara County  
11 legislators are here today? None.

12 Let me first start off first by  
13 saying, it's insulting -- not from you, Susan -- but  
14 it's insulting from the Agency to have a public  
15 hearing on a major project that's going to affect  
16 the lives of people, neighborhoods in Niagara  
17 County, at 2:00 on a beautiful August afternoon.

18 I'm asking you, number one, to  
19 reschedule another public hearing in the evening  
20 when more people can attend, when it's more  
21 convenient for people to attend.

22 Next -- next, I'd like to  
23 apologize on behalf of Jeff Bezos, the owner of

1 Amazon. Jeff couldn't be here today. He's on his  
2 \$500,000,000 yacht in Amsterdam. He apologizes.  
3 But he thanks you for the tax break, by the way.

4           You know, what Mr. Taylor said up  
5 here and this gentleman -- I'm sorry, I didn't catch  
6 your name -- said is absolutely true.

7           You know, just last year in Erie  
8 County, not 10 miles from here on Grand Island, they  
9 had the same proposal, and they were getting zero  
10 tax breaks. Zero. They were going to pay full  
11 property taxes.

12           They had a signed written  
13 agreement with the County Executive that they were  
14 going to use union labor to build the facility by  
15 local union contractors.

16           Does such an agreement exist  
17 with the Niagara County IDA or the Niagara County  
18 Legislature?

19           **UNIDENTIFIED SPEAKER:** That's not  
20 true.

21           **GEORGE MAZIARZ:** What?

22           **UNIDENTIFIED SPEAKER:** They  
23 weren't going to make that agreement at Grand

1 Island.

2                   **GEORGE MAZIARZ:**       Mark -- I can  
3 reference you to statements that Mr. Poloncarz made  
4 and the Town Supervisor of the Town of Grand Island.

5                   **MS. LANGDON:**           Pardon me. We  
6 can't have a debate. Please just speakers. Continue.

7                   **GEORGE MAZIARZ:**       Okay. You  
8 referenced, you know, other counties where they got  
9 tax incentives. They'll go anywhere to get tax  
10 incentives.

11                               Amazon wants to be here. They  
12 want to be close to the airport. They want to be  
13 close to the Canadian border. They have to be here.  
14 And they can well afford to pay their full property  
15 taxes. We should not be giving them tax breaks.

16                               What this gentleman talked about,  
17 the labor issue; Amazon has spent millions of  
18 dollars in New York City and in Alabama fighting  
19 labor unions. Do you think they're going to help  
20 you? Do you think they're going to help you? No  
21 way it's going to happen.

22                               Their wage structure actually  
23 starts at around \$15.00 an hour, as Mr. Taylor, I

1 think, pointed out.

2                   On my way here I went by two  
3 electronic billboards. One said we need to get  
4 your children and grandchildren to school. We need  
5 school bus drivers. \$23.50 an hour, and they can't  
6 find them.

7                   The Seneca Nation has an  
8 electronic billboard. It says we have open  
9 interviews from 10:00 a.m. to 2:00 p.m. Monday  
10 through Thursday every week, immediate hiring,  
11 immediate openings. They can't find enough people.

12                   Where's Amazon going to get 1,000  
13 people at \$15.00 an hour? It's not going to happen.  
14 It's not going to happen.

15                   You know, one thing, Susan, that  
16 you didn't talk about were the fees that the IDA  
17 Board gets for this project, the legal fees that  
18 politically connected lawyers get from the bond  
19 counsel and for all those things. None of that is  
20 ever revealed publically.

21                   I would encourage IDA members to  
22 reveal that, to put that information out there so we  
23 can see who is personally profiting from a project

1 like this.

2                   Again, I'm going to ask that this  
3 Board schedule another public hearing in a place  
4 where there's more parking, by the way, and that  
5 they do it in the evening when people can come here  
6 and ask -- ask questions and get answers.

7                   I think it's -- I'll say this,  
8 I think it's insulting that you have a public  
9 hearing -- I've been in government for 40 years,  
10 attended a lot of public hearings, a hell of a lot  
11 of public hearings, and public hearings are for  
12 exchange of information, to answer questions. You  
13 know, when you start a public hearing off by saying  
14 we're not going to answer any questions, you know, I  
15 just think that's insulting to the audience,  
16 insulting to the taxpayers who ultimately are going  
17 to be paying the bill for this. Thank you very  
18 much.

19                   **MS. LANGDON:**           Thank you, sir.

20                   I just want to comment that this  
21 public hearing is being live-streamed, and also,  
22 we're getting the transcript, verbatim, for the  
23 Board of Directors, and we also accept written

1 comments, which will also be forwarded to the Board  
2 of Directors before they vote at the August 10th  
3 meeting.

4 Next speaker, John Scherrer.

5 **JOHN SCHERRER:** Hello. Thanks  
6 for letting me speak. My name is John Scherrer.  
7 I'm the business manager of IBEW Local 237 in  
8 Niagara Falls.

9 The last two projects of this  
10 magnitude that Amazon has built, in Syracuse, and  
11 the last one in Rochester, have both been good for  
12 the IBEWs of Syracuse and of Rochester.

13 I'm confident that the -- my union  
14 will be represented and do the work on this job. So  
15 I stand here to support it. It's going to be a lot  
16 of work for my members, that's going to be  
17 good-paying jobs with benefits.

18 One comment on what a previous  
19 speaker was saying. I don't believe not having the  
20 work is going to cut down on the rate of pay. If  
21 they need to hire 1,000 people, they're going to pay  
22 what they're going to need to pay to get 1,000  
23 people. \$15.00 is a relative number. Why are the

1 people paying 20 bucks an hour for bus drivers or  
2 \$23 at Seneca? Because they need people.

3 You bring in 1,000 more jobs,  
4 there's going to be more competition. The rate of  
5 pay is going to go up. That's just simple  
6 economics.

7 That's all I have to say.

8 **MS. LANGDON:** Thank you, sir.

9 Next speaker, Tom Weber. Tom  
10 Weber.

11 **TOM WEBER:** Hello there.

12 Tom Weber, Packard Road.

13 Contrary to some beliefs from  
14 other people and some other reporting that's been  
15 done, I am for Amazon to come. But my first thing  
16 in the first meeting was, I want them to do it  
17 right, and I want them to do it safely.

18 First thing that I've got to say,  
19 yeah, I agree about having another open meeting at  
20 the right time. This is lousy, because the people  
21 that actually get dirty and actually work for a  
22 living and pay their taxes can't be here, because  
23 they're obligated to be at work. So this is very

1 unfair to them, which is part of the public of the  
2 town that's going to get -- the county is not going  
3 to get affected by this. We're going to take the  
4 whole heat for everybody in this whole area.

5                   Now, I'll just say, I'm a traffic  
6 person. So this is about safety. I've sent plenty  
7 of pictures, other comments, the Town knows about  
8 it. The shoulders aren't wide enough. This is a  
9 Class 16, I believe. Our minor arterial road is  
10 Packard. Our traffic should be going down Lockport  
11 Road or Porter Road, which is basically part of the  
12 highway system.

13                   I think everybody's really just  
14 stuck their head up their behinds and looked the  
15 other way when it comes to our children and  
16 everybody else, and the other traffic that's been  
17 going on for years here. It is a problem. It's  
18 been a problem. It's a safety issue.

19                   And now, what we're going to do is  
20 just put a Godzilla more of traffic right on top of  
21 Porter and Packard and Military. It makes no sense.  
22 You can only fit so many fish in a fishing net.

23                   I'm not sure what else to say.

1 But I think we need a real traffic study done the  
2 right way, and that should be documented before they  
3 get their Certificate of Occupancy for this place.

4 They can build. They can still  
5 come here.

6 But guess what? If you really do  
7 your homework, they've done exactly that; built,  
8 done everything, and still not even opened up a  
9 warehouse, and screwed everybody for all the taxes  
10 that they been promised.

11 And Grand Island was going to get  
12 a bribe -- oh, no, excuse me, I don't mean a bribe,  
13 I mean an incentive of 10,000,000.

14 We've got the railroad. We've got  
15 the airport, and we've got Canada. We need to get  
16 off the 190 here, put on -- let our state put their  
17 asses together, and get some money together --  
18 they've got two whole years -- and put a ramp up on  
19 Lockport Road and keep everybody safe.

20 I'm done. Thank you.

21 **MS. LANGDON:** Next speaker,  
22 Jim Maltry. Is it Malloy or Maltry? Jim, sorry,  
23 I can't read your writing.

1                   JIM MALTBY:                Sorry, Maltby.

2                   MS. LANGDON:                Okay.

3                   JIM MALTBY:                I'm Jim

4 Maltby. I'm the President of the Insulators Union;  
5 represent the members from Buffalo and Niagara  
6 Counties.

7                                We could certainly use this  
8 project. As one of the members said, construction  
9 been's pretty slow the last few years.

10                               The project in Syracuse and the  
11 one recently in Hamburg has used my members. And  
12 so we're for project. That's it.

13                   MS. LANGDON:                Thank you, sir.

14                   JIM MALTBY:                Thank you.

15                                Next speaker, Matthew Hubacher.

16                   MATTHEW HUBACHER:        Good

17 afternoon. Matthew Hubacher. I'm the  
18 Vice-President of Research at Invest Buffalo Niagara  
19 in Buffalo, New York. I appreciate the opportunity  
20 to deliver these comments on behalf of our president  
21 and CEO, Tom Kucharski.

22                                As Western New York's private,  
23 non-profit economic development organization, Invest

1 Buffalo Niagara's mission is to facilitate business  
2 attraction and expansion efforts that create and  
3 retain jobs, increase capital investments across the  
4 eight counties of our service territory.

5 Invest Buffalo Niagara wishes to  
6 share their support of the benefits Project Fifi  
7 represents, and recommend the NCIDA Board to advance  
8 the project's application for tax incentives.

9 After several years of limited  
10 investment, the transportation and warehousing  
11 sectors of the regional economy are lagging the  
12 nation. Based on data from the Western New York  
13 Industrial Real Estate Development Strategy, a  
14 comprehensive report commissioned by Invest Buffalo  
15 Niagara, and delivered by a consultant team from  
16 Newmark, only one in five local transportation and  
17 warehousing jobs are in sub-sectors growing faster  
18 than the country. Newmark estimates the regional  
19 economy to be deficient by 1,500 transportation and  
20 warehousing jobs. Project Fifi helps reverse that  
21 trend.

22 The direct jobs associated with  
23 the project will provide upskilling and training to

1 members of the community who are underemployed,  
2 looking for new opportunities and career  
3 advancement, or exited the labor force during the  
4 global pandemic.

5                   At 62.5 percent, Buffalo Niagara's  
6 labor force participation rate trails several  
7 competitive peer regions, as well as the nation.  
8 Job opportunities through Project Fifi will foster  
9 re-engagement with those looking for work  
10 opportunities, and foster skill support and  
11 on-the-job training, while providing competitive  
12 wages and salaries, along with benefits.

13                   Having worked with Amazon on  
14 several projects across Western New York, Invest  
15 Buffalo Niagara knows firsthand the company  
16 continues to invest in the community beyond its  
17 significant job creation and capital expenditures  
18 though training and tuition reimbursement programs,  
19 K-12 education STEAM and STEM program investments,  
20 support and engagement with the military veteran  
21 community and health care assistance through the  
22 Amazon Cares program.

23                   Invest Buffalo Niagara commends

1 Niagara County's and the Town of Niagara's  
2 commitment to, and leadership on, this important  
3 economic development project. The project is  
4 certainly an affirmation of the investments Niagara  
5 County has made to become a first-class place to do  
6 business. Thank you.

7 MS. LANGDON: Thank you, sir.  
8 Next speaker, Anthony Casilio.

9 ANTHONY CASILIO: Good day.  
10 My name is Anthony Casilio. I reside at 7005  
11 Sunnydale Drive, Niagara Falls, New York.

12 First off, I initially was going  
13 to come up and ask questions, and now you say I  
14 can't do that. So I'm going to try to transform  
15 my questions into comments, and hopefully, I can  
16 do that properly.

17 I wanted to start off by restating  
18 or supporting the comments made by Mr. Maziarz and  
19 the other gentleman, that it is truly unfair to have  
20 this meeting at this time. There are people that  
21 are working and who have, you know, tax dollars  
22 coming into this and, you know, potentially a  
23 benefit, significant issues, and they can't be here

1 to say what they want to say.

2 I also think it's unfair that I  
3 can't ask questions, because I don't sit around  
4 watching -- or reading IDA documents all day long.  
5 Be nice to know and get some details.

6 My concern, and I, again, haven't  
7 read the documentation, is that -- well, first off,  
8 I think that Amazon needs this. So why are we  
9 giving them incentives in the first place? I think  
10 that it's somewhat of an atrocity that that is  
11 happening.

12 But if these incentives are going  
13 to be given to them, then I would like to know, and  
14 I hope, I guess, that they aren't significant to cut  
15 into what we would have otherwise received in the  
16 town, in the county and in the school district,  
17 because they are all entities that need to recoup  
18 and generate more tax funds.

19 I'm particularly disturbed when I  
20 hear that other areas did not give any tax breaks,  
21 and still have the program, or Amazon has interest  
22 in their facilities and locations.

23 One last thing, because my problem

1 has been traffic more than any other, because I live  
2 in a development that will now be surrounded by 493  
3 trucks coming in, 493 trucks going out. That's not  
4 counting any cars from employees who are going to be  
5 coming in, any miscellaneous trucks.

6 I've just heard that they lease  
7 out their facilities. So there'll be trucks coming  
8 in from other companies. The traffic on  
9 Porter/Packard will be unbelievable.

10 We are now told that they'll be  
11 exiting down Lockport Road. That will completely  
12 surround that community.

13 At least if some of these tax  
14 incentives can be reduced to the point where we can  
15 dedicate \$10,000,000 to putting in an exit and  
16 entrance ramp at Lockport Road, or at least Lockport  
17 Road could be expanded. There's less housing there.  
18 Maybe we can buy out the people who are there to  
19 expand the roads.

20 It's going to be a dangerous  
21 situation, in my opinion. And I think that this tax  
22 incentive is misdirected. Thank you.

23 MS. LANGDON: Thank you.

1                   Next speaker is Mark Jurenovich.

2                   **MARK JURENOVICH:**     Good afternoon.

3     My name is Mark Jurenovich.  I, too, am with OPEIU  
4     Local 153.  I rise in opposition to this project.

5                   When is all of this corporate  
6     welfare going to be exposed for what it really is?

7                   I see Dave McKinley's here from  
8     Channel 2.  It's probably still on their website.  
9     I read it last night.  They did a story on the  
10    Amazon building in Hamburg.  It's empty.  There's  
11    nothing in there; no packages, no employees, it's  
12    crickets.  The town wants to know what's going on  
13    with the \$6,000,000 it gave in order to have that  
14    project built and located in the Town of Hamburg.

15                  I'm a trade unionist.  I follow  
16    what's happening in the labor movement.  And right  
17    around Christmas there was an election in New York.  
18    An independent union called the Amazon Employees  
19    Labor Union won an election to represent the  
20    employees that worked at the facility in New York.

21                  Amazon's behavior during that  
22    campaign was nothing short of what I would call  
23    reprehensible.  Their conduct in the workplace,

1 you folks know what those kinds of meetings are  
2 held; captive audience meetings where the employer  
3 brings you into a room and asks you about your  
4 feelings on the union, why you're supporting the  
5 union.

6 Numerous charges were filed with  
7 the National Labor Relations Board. They've all  
8 been upheld.

9 There were union activists  
10 involved in that campaign who were terminated by  
11 Amazon. Now, the National Labor Relations Board --  
12 it's been a few months, but they're getting around  
13 to it -- those employees are now starting to be  
14 returned to work with back pay.

15 Now, the union has an obligation  
16 to bargain. They've asked Amazon to come to the  
17 table. Yeah, they're there. But they're doing  
18 what's commonly known as surface bargaining; they're  
19 there, they're listening, they're not making any  
20 proposals, they're receiving what the union gives  
21 them. And they told the union, nothing you have is  
22 guaranteed; not your hourly rate or your benefits,  
23 you've got to bargain from scratch.

1                   We don't want that kind of  
2 behavior here. We think we're better. We think  
3 we're better. And I strongly urge this Board to  
4 give this more thought.

5                   Senator -- and George, you will  
6 always be our senator -- made a great comment about  
7 the location, the time. This meeting can be  
8 rescheduled. It could be held in the auditorium up  
9 at Niagara-Wheatfield High School, which is the  
10 school district where this proposed project is going  
11 to be built, in the evening, adequate parking so  
12 many more people can attend. Thank you.

13                   **MS. LANGDON:**           Thank you.

14                   Next speaker, Connor Mauch.

15                   **CONNOR MAUCHE:**       Hi.

16                   **MS. LANGDON:**           Hi.

17                   **CONNOR MAUCH:**       Thank you for  
18 having me. My name is Connor Mauche.

19                   Does it help if I hold this?

20                   **MS. LANGDON:**           Either put  
21 your face closer or hold it.

22                   Can you give us your address?

23                   **CONNOR MAUCHE:**       Yeah. 242

1 Richmond. I live in Buffalo, New York.

2 I was a previous employee of  
3 Amazon. I was employed in 2019 at the Lancaster  
4 location.

5 I can speak to it as being one of  
6 the poorest times of my life as an employee of  
7 Amazon. The expectations that Amazon has of its  
8 workers and the --

9 UNIDENTIFIED SPEAKER: Excuse  
10 me. Could you please pick up the microphone and  
11 hold it to your mouth?

12 CONNOR MAUCHE: Yeah.

13 UNIDENTIFIED SPEAKER: I'm sorry  
14 for interrupting.

15 CONNOR MAUCHE: No. No. Thank  
16 you. Thank you, sir. So I was previously employed  
17 at Amazon.

18 UNIDENTIFIED SPEAKER: A lot of  
19 us are old, and we can't hear.

20 CONNOR MAUCHE: But I worked  
21 there in 2019, and it was one of the poorest times  
22 in my life.

23 I understand, you know, from the

1 building trades, why, you know, you think it would  
2 be good for your members. But I think you're being  
3 offered a very -- maybe a golden goose. But the  
4 long-term consequences of what this facility will be  
5 for the community, I do not think has a positive  
6 effect.

7 I think for the guys like me who  
8 have to go work on the floor -- the guys who built  
9 it, they're going to get great benefits in terms of  
10 getting -- but the people who are going to have to  
11 stay and work at this place, it sucks.

12 And I was also joined by another  
13 Amazon worker who I know, and he's currently going  
14 through all the exact same union busting that, you  
15 know, they have to deal with there. And it's going  
16 to just come straight back down into your community.

17 As much as it might be good for  
18 your union, you have to think about everybody here.  
19 I'm a member of Workers United, and I do not see  
20 this as a deal that is good for the county, for  
21 workers. I think it's something that should be  
22 rejected, or at minimum that the tax incentives that  
23 are being offered Amazon are not nearly anywhere

1 beneficial to the community.

2 Just looking at say, Niagara  
3 County, the average wage is \$55,522.00, which comes  
4 out to just under \$30.00 an hour in the county. An  
5 IT company's living wage for two working adults with  
6 two children is at just over \$23.00 in Niagara  
7 County. So the average wage for transportation and  
8 warehouse work is \$45,081.00.

9 Amazon is only offering an average  
10 of 18 hours across this facility, without even  
11 accounting for the fact that many of these jobs will  
12 be part time and flex hours.

13 So that means when I was working  
14 there, yeah, I was making \$15.50 an hour. How many  
15 hours was I actually really getting?

16 You know, I had to, you know,  
17 scrape together change to get gas money to go to  
18 work. I was -- I couldn't get my car inspected  
19 because I couldn't afford to fix it. So I had  
20 to drive illegally to get to my job.

21 This is the kind of workforce you  
22 are expecting in your community. You should reject  
23 it. That's all.

1 MS. LANGDON: Thank you, sir.  
2 That concludes our public comment  
3 period.

4 I will now adjourn the meeting at  
5 3:48 p.m. Thank you very much for coming.

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August 1, 2022

Susan Langdon  
Executive Director  
Niagara County Industrial Development Agency  
6311 Inducon Corporate Drive  
Samuel M. Ferraro Center, Suite One  
Sanborn, NY 14132

Dear Susan,

Niagara University (NU) would like to offer strong support of the Agency's assistance in the construction of the \$550 million e-commerce and distribution facility being proposed by Amazon. We believe this project will spur economic growth for the community as well as serve as an avenue for research and development, university and business collaborations, and workforce development in Niagara County.

Niagara University, as part of its regional commitment to economic, social, and educational development, plans to develop a mutually beneficial partnership with Amazon to leverage business, education, and community partnerships to meet their emerging needs. Economic and career development is a shared interest which will enhance our student experience while creating a university to company pipeline of highly skilled future employees. Niagara University's career placement rate of 96% speaks to the connectivity of faculty and programs to the workforce and the currency of the knowledge, skills, and professional attributes needed to be competitive.

Leaders at the University representing business, human resources, career services, workforce development, and academic departments identified several areas for potential partnerships. These categories include experiential learning and career development, workforce preparation and upskilling, STEM and technology programming and knowledge pathways, emerging research for high tech and cyber applications, and campus and community facilities.

Amazon projects many new jobs in the Town of Niagara. Cultivating talent and strengthening a future employee pipeline is imperative to their success – engaging Niagara's undergraduate and master's degree level students in paid and unpaid internships and career exploration provides immediate and long-term opportunities for graduates to work and live in Niagara County.

Niagara University has long-embraced its role as a place-based anchor institution and trusted convener lending industry expertise in IT, HR, Business, Supply Chain/Logistics to meet the broad educational needs of the region. Since establishment, Niagara has lived its mission and remains a highly-engaged partner that deploys its resources – teaching, research, service – to meet community needs.

In addition, Niagara looks to Amazon to jointly identify and grow programs, primarily in the STEM and technology areas, with the goal of advancing knowledge, research and innovative opportunities in critical

next generation careers. The development of a K-12 pipelines to provide career and academic preparation, soft-skill development, mentoring, and social opportunities, expanding faculty and student research opportunities, and assist new start-ups (with a focus on women and minority owned businesses) will prepare individuals for the high-tech in-demand skills needed for today's workplaces.

As an educational institution, we are interested in sharing our prospective knowledge not only because it will create economic impact, strengthen existing and innovative programs, and create a talent pipeline for NU students, but because everyone benefits from strong business/university partnerships.

On behalf of our Niagara University community, I am pleased to share our support for the Agency's assistance in the construction of the proposed Amazon project and to offer our partnership to leverage the collective, community impact.

Sincerely,

A handwritten signature in black ink that reads "James J. Maher, C.M." The signature is written in a cursive style with a large, stylized initial "J" and "M".

Rev. James J. Maher, C.M.  
President

## GAIL RADFORD

---

185 Admiral Rd., Buffalo, NY 14216 • 716-837-7461 • radford@buffalo.edu

August 8, 2022

To the Board of the Niagara County IDA,

I write as a citizen of Western New York to express my objections to a plan that involves taking almost \$124 million out of the tax base of Niagara County to subsidize one of the most profitable corporations on earth.

As justification for this massive subsidy, your organization points to numerous jobs that Amazon promises. But these are not good jobs. They will pay minimum wages. In addition, we can assume that working conditions will be poor, given that turnover in Amazon warehouses nationally runs way over 100% a year, the highest in the industry.

It is my sincere hope that the Niagara County IDA will decide not to go forward with this plan, or at the very least, insist that Amazon agrees to card-check neutrality in response to any union drive at the facility.

Yours truly,

A handwritten signature in cursive script that reads "Gail Radford". The signature is written in black ink and is positioned below the typed name.

Gail Radford

August 5, 2022

Niagara County Industrial Development Agency  
6311 Inducon Corporate Drive  
Samuel M. Ferraro Center,  
Suite One, Sanborn, NY 14132

Dear Director Langdon, Chairperson Onesi, and Board of Directors,

The undersigned organizations write to oppose the proposed economic development deal that NCIDA is considering for an Amazon warehouse in Niagara.

Using public dollars to subsidize the expansion of Amazon's distribution network will only undercut the local economy, harm local workers, and expend precious resources on one of the world's largest and wealthiest corporations at a time when small businesses and local residents are struggling to deal with the effects of America's supply chain and inflation crises.

Amazon and its partners are surely making bold claims about the benefits the warehouse will supposedly have on the local economy. But here are the facts: Amazon warehouses have no positive effect on the economic growth of the area in which they're built. In fact, a recent study found that a new warehouse opening results in a net loss of jobs for the local communities, as jobs lost in local retail are not offset by new jobs in the Amazon facility.

They do, though, have a negative effect on the wages of warehouse workers and drivers, lowering their pay by thousands of dollars annually. While Amazon suggests it will create 1,000 new jobs within 3 years of project approval, by their own admission set forth in the application before the IDA, 95% of those jobs come with wages that are significantly below the lowest wage jobs in Niagara County – *and lower than Niagara's living wage*.

The project before you does nothing to mitigate substandard working conditions, for which Amazon is particularly notorious, and under active investigation by the United States Attorney's Office for the Southern District of New York. In fact, Amazon's injury rate in New York State jumped 64 percent between 2020 and 2021 alone.

Notably absent are a Project Labor Agreement, which would ensure site construction is performed pursuant to baseline worker safety requirements, and a labor peace agreement and card check neutrality, both of which would ensure basic dignity for the workers who stand to be employed by one of the world's wealthiest companies.

Providing subsidies to Amazon also gives it a leg up over local small businesses, which do not receive public dollars to aid their distribution, and therefore often end up paying Amazon to handle distribution for them. This is a vicious cycle that local lawmakers likely don't intend, but nonetheless create, by using taxpayer money to aid Amazon's buildout.

The payment in lieu of taxes (PILOT) Amazon has applied for would also take resources directly out of the Niagara-Wheatfield School District. Already, between 2017 and 2021, the district lost \$16.7 million to economic development tax abatements such as these – more than \$3.3 million per year, which translates to an average loss of \$980 per student per year.

Finally, the cost-benefit analysis NCIDA is relying upon to justify the deal suffers from serious flaws, and fails to account for some of the very knowable downsides of Amazon's presence in the community.

All this, for a company that has reaped huge profits in recent years due to the increased demand for its services during the pandemic.

There is also little reason to believe that Amazon's location decisions are dependent on a PILOT or any other form of subsidy. Amazon locates in areas in which there are concentrations of Amazon Prime subscribers and disposable income, as well as access to key transportation networks. Taxes and other fees have little to do with the company's decision, as shown by the fact that it is happy to cover the full cost of building new warehouses across the country, from Connecticut to Michigan to Texas, and surely elsewhere.

The proposed project also arrives before the IDA with specious environmental analysis. In June 2022, the Niagara Town Board issued a "negative declaration" under New York's SEQR law, finding the proposed 3 million square foot facility will have "no adverse environmental impact." A determination that the largest development in Niagara's history will have no environmental impacts – based solely on representations made by the applicant – borders on the absurd. At best, it will become a persistent drain on Niagara's public resources to ensure that the extraordinary uptick in vehicle miles traveled alone will not cause severe ongoing disruption to community life and local ecology. A project of this magnitude demands independent environmental review and enforceable mitigations.

During times of economic distress, any promised influx of new jobs sounds enticing, and can seem worth paying any price for. In practice, however, all local leaders accomplish by subsidizing Amazon is ensuring that local businesses – the kind that help build strong, sustainable, and equitable communities – find it ever more difficult to compete.

We urge you to oppose this deal. A deal that doesn't *at least* require one of the largest, richest corporations in the world to pay for community benefits, livable wages, and to mitigate clear environmental impacts, is no deal at all. We encourage the IDA to take into consideration the myriad better uses for \$120 million in public funds.

Sincerely,

Office and Professional Employees International Union (OPEIU) Local 153  
Amazon Labor Union (ALU)  
American Economic Liberties Project  
Fight Corporate Monopolies  
Good Jobs First  
New Yorkers for Fiscal Fairness  
Strong Economy for All



1380 Monroe St NW  
PMB 405  
Washington DC 20010  
202-232-1616

**August 3, 2022**

**Testimony of Greg LeRoy  
Executive Director, Good Jobs First  
To the Niagara County IDA Board Regarding the  
“Cost-Benefit Calculator” Used to Justify IDA Subsidies for Amazon Project**

I direct Good Jobs First, a Washington-based, non-profit, non-partisan watchdog group on economic development incentives since 1998.

I question the “cost-benefit calculator” that the NCIDA is using to justify its proposed \$124 million subsidy for the Amazon warehouse.

The study fails to state its underlying assumptions, which are critical to the credibility of any cost-benefit analysis. Nor does it name any software products it may have used to derive its estimates.

There is no indication that the cost-benefit calculator accounts for job destruction in the bricks-and-mortar retail sector caused by the rise of e-commerce/Amazon. That job destruction will offset warehouse job gains to an unknown degree. Just because people have another way to shop does not mean they have more money with which to shop.

Related: the calculator projects an increase in local property tax values of \$48.3 million. Again, underlying assumptions are not stated. As the consulting firm Civic Economics has documented: retail property values, occupancy rates and tax assessments all decline as e-commerce sales increase (with Amazon comprising almost half of e-commerce).

Also at risk are residential property values along the routes serving the warehouse. Having hundreds of trucks traversing those streets every day may harm home resale values, as air quality declines and noise increases. Lower resale values mean lower assessments and lower property tax revenues.

The calculator uses the words “local” and “state” to distinguish benefits, but it makes no distinctions between Niagara County and Erie County. Given the fact that Erie County’s population is about four and a half times that of Niagara County, it is reasonable to assume that many if not most of the local job takers will be Erie County residents.

Indeed, Erie County may well be the big local winner if Niagara County subsidizes Amazon: Erie could get many if not most of the jobs (and also the property-value benefits) while suffering none of the PILOT tax revenue losses, and little of the concentrated air pollution, noise, or road wear.

The study apparently assumes a constant level of 1,000 permanent employees over 15 years. This may not be a valid assumption, given Amazon’s aggressive moves towards automation.

The study projects 527 “ripple effect” permanent jobs. A share of “ripple effect” jobs are normally public-sector jobs. But for the first seven years, the PILOT abatement rate is 90%, and it does not even reach 50% until year 11, so the project should generate far fewer public-sector jobs than it would without the abatement. Does the calculator reflect that? We cannot tell.

The most troublesome aspect in the calculator is the mixing of apples with watermelons. Central to its finding that local benefits will outweigh local costs is the juxtaposition of payroll earnings with incentives.

This is not a valid comparison. The PILOT incentive equals public dollars out, whereas earnings (i.e., payroll) do not equal public dollars in. Someone earning \$32,640 here pays state income tax of 5.2%. So only 5.2% of the projected earnings can be correctly counted as a revenue benefit against the PILOT incentive cost.

And it is a huge distortion: projected payroll of \$1.34 billion equals 91.3% of the calculator’s total projected benefits.

The calculator also apparently double-counts \$69.6 million in project benefits. That is how much in state sales and income tax revenue it attributes to the temporary (construction) and ongoing (permanent) jobs. But there is no notation that it subtracted that sum from the payroll estimates. But of course, all of the new income and sales tax revenue can only come from those payrolls, so the calculator apparently counts the tax-spending share of workers’ paychecks twice.

So for all these reasons, in our opinion, this is not a fiscal break-even analysis, or a taxpayers’ cost-benefit analysis. It is a misleading public relations document.



Niagara County Industrial Development Agency

VIA EMAIL

August 5, 2022

To the Niagara County Industrial Development Agency:

Reinvent Albany urges you not to provide the proposed Amazon warehouse with \$123 million in subsidies. We advocate for government transparency and accountability and fact-based decision making.

As any public finance expert can tell you, there is no such thing as “free money.” Whether on budget or off-budget, any subsidy for an e-commerce vendor is a bad investment of taxpayer dollars. Multiple studies have shown that when Amazon warehouses are built, warehouse wages actually drop, and new fulfillment centers do not produce a significant rise in broad-based employment. Niagara County’s tax dollars would be better spent elsewhere.

Tim Bartik, an economist at the Upjohn Institute for Employment Research, has calculated that business subsidies that cost more than \$5,000 per job per year do not produce substantial benefits for the economy. It is far better for governments to invest in programs that are less costly, such as neighborhood development (\$1,300 per job per year) or customized job training (\$3,000). The tax breaks proposed by Amazon – \$123 million for 1,000 jobs over 15 years – would cost \$8,200 per job per year, which would have little to no economic impact.

Research has also shown that subsidies are not a deciding factor in where Amazon locates its warehouses. The watchdog organization Good Jobs First has demonstrated that Amazon chooses warehouses based on the number of Prime subscribers in the area and access to highway infrastructure. One corporate survey also found that when deciding where to locate, companies rank subsidies under highway accessibility, availability of skilled labor, and quality of life. With a large base of Prime subscribers and a reputation for swift delivery, it is extremely unlikely that Amazon would build a warehouse in Canada to service its Niagara customers.

It is baffling to us that you are seriously considering giving \$123 million in tax breaks to a trillion-dollar company whose profits rose more than 200% during the pandemic. Amazon’s founder, Jeff Bezos, has an estimated net worth of \$167 billion and is currently the third-richest person in the world. NCIDA cannot justify giving the company such a large sum, which would be the fourth-largest Amazon warehouse subsidy in US history.

Niagara County IDA’s mission is to shrewdly invest limited public funds – including tax expenditures – in sustainable, affordable ways to encourage the creation of good new jobs. This Amazon warehouse

subsidy is a bad deal for Niagara taxpayers and undermines public confidence in the fairness of the tax code and government decision-making.

Sincerely,

Tom Speaker  
Policy Analyst  
Reinvent Albany

---

Come grow your business with us.

August 3, 2022

Niagara County Industrial Development Agency  
Samuel M. Ferraro Center  
6311 Inducon Corporate Drive, Suite 1  
Sanborn, NY 14132

Dear Ms. Langdon:

As Western New York's private, non-profit economic development organization, Invest Buffalo Niagara's mission is to facilitate business attraction and expansion efforts that create and retain jobs, and increase capital investments across the eight counties of our service territory.

I wish to share my support of the benefits Project Fifi represents and recommend the NCIDA Board to advance the project's application for tax incentives.

After several years of limited investment, the transportation and warehousing sectors of the regional economy are lagging the nation. Based on data from the WNY Industrial Real Estate Development Strategy, a comprehensive report commissioned by Invest Buffalo Niagara and delivered by a consultant team from Newmark, only 1 in 5 local transportation and warehousing jobs are in subsectors growing faster than the country. Newmark estimated the regional economy to be deficient by 1,500 transportation and warehousing jobs: Project Fifi helps the regional economy reverse that trend.

The direct jobs associated with Project Fifi will provide upskilling and training to members of the community who are underemployed, looking for new opportunities and career advancement, or exited the labor force during the global pandemic. At 62.5%, Buffalo Niagara's labor force participation rate trails several competitive peer regions as well as the nation. Job opportunities through Project Fifi will foster reengagement with those looking for work opportunities and foster skills support and on-the-job training while providing competitive wages and benefits.

Having worked with Amazon on many projects across Western New York, I know firsthand the company continues to invest in the community beyond its significant job creation and capital expenditures through training and tuition reimbursement programs, K-12 education STEAM and STEM program investments, support and engagement within the military veteran community and health care assistance through the Amazon Cares program.

**INVEST** BUFFALO  
NIAGARA

1 800 916 9073  
BUFFALONIAGARA.ORG

I commend Niagara County's and the Town of Niagara's commitment to and leadership on this important economic development project. The project is certainly an affirmation of the investments Niagara County has made to become a first-class place to do business.

A handwritten signature in black ink, appearing to read "Thomas A. Kucharski". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas Kucharski  
President & CEO, Invest Buffalo Niagara

# SIGN IN SHEET FOR SPEAKERS

## PUBLIC HEARING

August 3, 2022 at 2 p.m. - Town of Niagara Hall

regarding:

Amazon.com Services LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies),  
or Entity(ies) formed or to be formed on its behalf

Name	Company and/or Address	X box to speak/comment
Michael A. Casale	Niagara County Dept of Economic Development	X
ROBERT TAYLOR	8150 PACKARD RD	
KEN LOWMAIRE	7016 PACKARD	✓
Lynn Brooks	OPEIU Local 153	X
Donna Amos	OPEIU Local 153	X
Theodore Getman	2410 Lior Rd N.Y. - NY 14704	A
George Maziarz	6905 Ridge Rd. Lkpt	X
John Scherrer	IREW Local 237 6700 Schultz St. N.Y. NY 14704	X
TOM WEBER	PACKARD RD	X
<del>Scott Bridges</del>		
Jim Malloy	HEAT & Frost Insulators union	X
MATTHEW HUBACHER	INVEST BUFFALO NIAGARA	X

# SIGN IN SHEET FOR SPEAKERS

## PUBLIC HEARING

August 3, 2022 at 2 p.m. - Town of Niagara Hall

regarding:

Amazon.com Services LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies),  
or Entity(ies) formed or to be formed on its behalf

Name	Company and/or Address	X box to speak/ comment
Anthony Casillo	Resident 7005 Sunnysdale Dr NE NY 14304	X

# SIGN IN SHEET FOR SPEAKERS

## PUBLIC HEARING

August 3, 2022 at 2 p.m. - Town of Niagara Hall

regarding:

Amazon.com Services LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies),  
or Entity(ies) formed or to be formed on its behalf

Name	Company and/or Address	X box to speak/ comment
MARK JURGENOVICH	OPEN U	X

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Name	Company and/or Address	X box to speak/ comment
Connor Mauche	242 Richmond Ave Buffalo	X



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

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 Fif

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 I 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, motion 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 Station<sup>1</sup>  
 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

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<sup>1</sup> 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.

