

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

**SEQRA LEAD AGENCY AND POSITIVE DECLARATION RESOLUTION**

*(BETHLEHEM STEEL SITE)*

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation was convened October 23, 2019, at 1:00 p.m.

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

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL  
LAND DEVELOPMENT CORPORATION ACCEPTING LEAD AGENCY  
STATUS WITH RESPECT TO THE ADVANCED MANUFACTURING PARK  
INFRASTRUCTURE MASTER PLAN AND ISSUING A POSITIVE  
DECLARATION PURSUANT TO THE NEW YORK STATE  
ENVIRONMENTAL QUALITY REVIEW ACT

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

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

WHEREAS, on March 21, 2019, the ILDC resolved to enter into a professional service contract with professional consultants to undertake an infrastructure utility master plan and Generic Environmental Impact Statement Analysis and thereafter to immediately begin the process of planned redevelopment of the Real Property for commercial and industrial purposes to promote and encourage job creation and new investment for the benefit of the residents of Erie County (the "ILDC Advanced Manufacturing Park Infrastructure Master Plan"); and

WHEREAS, the ILDC must comply with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto (collectively referred to as "SEQRA"), and determine whether or not the ILDC Advanced Manufacturing Park Infrastructure Master Plan presents a potential significant adverse environmental impact requiring the preparation of an environmental impact statement pursuant to SEQRA; and

WHEREAS, in furtherance of its consideration of its ILDC Advanced Manufacturing Park Infrastructure Master Plan, the ILDC has prepared Part 1 of the SEQRA Full Environmental Assessment Form (“EAF”) and notified the applicable/involved governmental agencies and other interested parties of the ILDC’s intent to act as Lead Agency with respect to the ILDC Advanced Manufacturing Park Infrastructure Master Plan, and provided same with the EAF; and

WHEREAS, as required by the SEQRA regulations, the ILDC has reviewed the EAF for the ILDC Advanced Manufacturing Park Infrastructure Master Plan and has identified the relevant areas of environmental concern and has taken a hard look at those concerns, considering both the magnitude and importance of each impact; and

WHEREAS, the ILDC has caused the preparation of Part 2 and Part 3 of the EAF, which identified potential adverse environmental impacts resulting from the implementation of the ILDC Advanced Manufacturing Park Infrastructure Master Plan.

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

Section 1. The ILDC hereby ratifies and confirms all actions taken, to date, by ILDC staff with respect to SEQRA compliance as so related to the development and consideration of the ILDC Advanced Manufacturing Park Infrastructure Master Plan.

Section 2. The ILDC confirms that the proposed adoption and implementation of the ILDC Advanced Manufacturing Park Infrastructure Master Plan is a Type I SEQRA Action.

Section 3. Pursuant to applicable SEQRA procedure, in the event that no other involved agency objects during the requisite 30-day time period following the ILDC’s notification to applicable governmental agencies and other interested parties of the Agency’s intent to act as Lead Agency in connection with the SEQRA review for the ILDC Advanced Manufacturing Park Infrastructure Master Plan, the ILDC shall act as Lead Agency for the ILDC Advanced Manufacturing Park Infrastructure Master Plan.

Section 4. The ILDC hereby approves EAF Part 2 and EAF Part 3 and determines that the adoption and implementation of the ILDC Advanced Manufacturing Park Infrastructure Master Plan may result in one or more large impacts that may have a significant impact on the environment.

Section 5. The ILDC determines: (i) that a Positive Declaration, as that term is defined by the SEQRA regulations, is required for the ILDC Advanced Manufacturing Park Infrastructure Master Plan, (ii) hereby adopts the contents and conclusion set forth in the Positive Declaration as attached hereto as Exhibit A regarding the potential environmental impacts if the ILDC Advanced Manufacturing Park Infrastructure Master Plan is adopted and implemented, (iii) directs that a notice of the Positive Declaration be filed in accordance with the requirements of SEQRA, and (iv) further determines that a Draft Generic Environmental Impact Statement (“DGEIS”) shall be prepared as applicable.

Section 6. The ILDC directs that a Draft Scoping Document for the DGEIS be sent to all applicable involved agencies and interested agencies, and copies of the Draft Scoping Document be made available for the general public to review at locations determined to be appropriate by the ILDC in conjunction with the City of Lackawanna.

Section 7. The ILDC directs that a public comment period be established wherein written comments on the Draft Scoping Document can be submitted by the general public to Mr. John Cappellino, Executive Vice President, of the ILDC, for the purpose of receiving and considering public comment on the Draft Scoping Document in order to prepare a Final Scoping Document

Section 8. The ILDC further directs that due and proper notice be given of a public meeting relative to the Draft Scoping Document to be held on such date and time, and at such location, to be determined by the Executive Vice President of the ILDC working in conjunction with the City of Lackawanna, for the purpose of hearing and considering public comment on the Draft Scoping Document in order to prepare a Final Scoping Document.

Section 9. The ILDC directs that a notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 10. The ILDC hereby authorizes and directs that ILDC staff, agents, employees, and consultants undertake any such other and further action as may be necessary to meet the ILDC's obligations as Lead Agency or as otherwise might be appropriate in its role as Lead Agency.

Section 11. This Resolution shall take effect immediately upon adoption.

**Exhibit A**

**Positive Declaration**

State Environmental Quality Review  
Determination of Significance  
POSITIVE DECLARATION  
Notice of Intent to Prepare a Draft Generic EIS

BUFFALO AND ERIE COUNTY INDUSTRIAL DEVELOPMENT CORPORATION  
INFRASTRUCTURE MASTER PLAN FOR ADVANCED MANUFACTURING PARK  
CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK  
October 23, 2019

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

The Buffalo and Erie County Industrial Land Development Corporation ("ILDC"), as Lead Agency, has determined that the Proposed Action described below may result in one or more large and important impacts that may have significant effect on the environment and that a Draft Generic Environmental Impact Statement ("GEIS") will be prepared. The ILDC has also determined that the use of a generic form of the environmental impact statement is appropriate for the following reasons: the Master Plan is one action in a sequence of actions contemplated by the ILDC related to the redevelopment of the site, and the Master Plan is part of the larger program or plan for the site having wide application to a range of future development projects.

Name of Proposed Action: Implementation of Infrastructure Master Plan for the ILDC Advanced Manufacturing Park

SEQR Status: The Proposed Action is classified as a Type 1 Action because at a minimum the following thresholds in Part 617.4(b) would be exceeded:

- the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;
- a project or action that involves the physical alteration of 10 acres;
- parking for 1,000 vehicles
- in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area

Review Type                      Coordinated Review

Scoping:                          A Draft Scoping Document will be circulated to the potential Involved Agencies for consideration and input. The Draft Scoping Document will be available on the ILDC website:

<https://www.ecidany.com>. A public scoping meeting will also be held to obtain additional information from the public. A Final Scoping Document will be prepared based on input from the involved agencies and the public.

Description of

Action:

The Proposed Action subject to SEQRA is the preparation and implementation of the Infrastructure Master Plan for the ILDC Advanced Manufacturing Park to guide the redevelopment of a portion of the former Bethlehem Steel Corporation (BSC) steel plant in Lackawanna, New York (Master Plan or the Project).

Implementation of the Project includes seeking Shovel Ready Certification as a "Multi-Tenant Business and Technology Park" site.

It is intended that the Project will result in the installation of public streets, water, sewer, and private utility infrastructure. The Master Plan is being prepared to support the future subdivision and redevelopment of the site for a mix of commercial, business, advanced manufacturing, and light and medium density industrial facilities consistent with the land uses allowed in the Bethlehem Redevelopment Area - Light and Medium Industry zoning districts. The ILDC intends to subdivide and sell individual lots for private development ranging in size from 5.8 acres to 67.3 acres. The lots are arranged along a proposed street layout (approximately 4,025 linear feet) which provides access to one of four new public streets. An additional 4,925 linear feet of streets are identified to accommodate further subdivision and to provide interconnection between the four access points to NYS Route 5. The Master Plan is intended to be flexible in its implementation in order to meet varying market demands in terms of lot size, access and infrastructure and to be capable of being built-out in phases.

Location:

The project area consists of approximately 240 acres at 2303 Hamburg Turnpike (west side of NYS Route 5) in the City of Lackawanna, NY 14218.

The Project site consists of a portion of the larger tax map parcel (approximately 1,100-acres) identified as SBL 141.11-1-48-13 and a portion of SBL 141.11-1-48.11.

### Reasons Supporting This Determination:

1. **Impact on Land:** The Project will involve construction on, and physical alternation of, the land surface of the site. Under current zoning, the Project could result in permanent conversion of up to approximately 183 acres of currently vacant land to impervious land cover (buildings, parking and roads). Potential impacts to land resources should be further assessed.
2. **Impacts on Geological Features:** The Project will not result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves), as these resources have not been identified on site. It is anticipated that earthwork associated with development of the site infrastructure will not impact bedrock beneath the property. If any impacts were to occur, it would likely be restricted to the regolith overlying bedrock. No blasting or excavation of large amounts of bedrock is anticipated. Therefore, significant adverse impacts to geological features are not anticipated to occur from the implementation of the Master Plan and further assessment is not warranted.
3. **Impacts on Surface Water:** There are no significant surface water resources located on the Project site. However, implantation of the Master Plan may affect nearby surface water bodies. During the construction of each phase of project development, the potential exists for silt-laden stormwater drainage from construction areas to enter adjacent surface waters (Smokes Creek and Lake Erie). Potential impacts to surface waters should be further assessed.
4. **Impact on Groundwater:** Construction of the Project may have the potential to introduce contaminants to ground water or an aquifer, although it is anticipated that potential impacts can be avoided and no adverse impact or only a small impact on existing groundwater quality or quantity will result. The site does not overlie any Primary Aquifers or Principal Aquifers. The site will be served by the Erie County Water Authority and future development will not use groundwater for potable water purposes. Potential impacts to groundwater should be further assessed.
5. **Impact on Flooding:** Implementation of the Master Plan may result in development on lands subject to flooding as identified by the Federal Emergency Management Agency. The Project is in the area covered by the FEMA Flood Insurance Rate Map Community Panel 3602470001B, having an effective date of July 2, 1980. The 1980 effective map indicates

that the majority of the Project Site is in Zone C ("areas of minimal flooding"). The southern portion of the Project Site is in Zone B ("...areas subject to 100-year flooding with average depths less than 1 foot...").

FEMA has preliminary floodplain mapping that is anticipated to go into effect prior to redevelopment of the site. The latest mapping indicates the southern portion of the Project Site to be in the 500-year floodplain (0.2% annual chance flood hazard). Any future industrial development that may be in the 100-year floodplain will be subject to applicable building standards as stated in the City of Lackawanna's Zoning Code relevant to Flood Development Permits. For these reasons, significant adverse impacts from flooding are not anticipated to occur from the implementation of the Master Plan.

6. Impacts on Air: Future build out of the Advanced Manufacturing Park may include State or Federal-regulated air emission sources, which cannot be known until site-specific proposals are received for each individual lot. Consequently, quantitative assessment of potential impacts from air emissions cannot be conducted until future site-specific proposals are received. However, future industrial or manufacturing will have to meet the applicable State and Federal permit standards. Therefore, although detailed assessment cannot be conducted at this time, it is understood that significant adverse impact to air quality will be minimized and mitigated through the State and Federal air permitting process. Potential impacts to air quality should be further assessed in order to establish thresholds for future SEQR review.
7. Impact on Plants and Animals: The Project may result in a loss of existing flora or fauna. However, much of the Project site is covered by early successional plant communities on fill-covered ground and previous field investigations have indicated that low densities of bird, mammal, reptile and amphibian species occupy the area. Therefore, significant adverse impacts to wildlife are not anticipated to occur from the implementation of the Master Plan. Potential impacts to plants and animals should be further assessed.
8. Impact on Agricultural Resources: The Project will not impact agricultural resources because there are no agricultural resources on the Project site. Therefore, significant adverse impacts to agricultural resources are not anticipated to result from the implementation of the Master Plan and further assessment is not warranted.
9. Impact on Aesthetic Resources: The anticipated land uses will be different from the current land use patterns on the site, which is currently undeveloped. There are aesthetic resources located within one mile of



the Project site. Although implementation of the Master Plan is not anticipated to result in significant adverse impacts to aesthetic resources, potential impact to those resources should be further assessed.

10. Impact on Historic and Archeological Resources: A Phase IA Archaeological Survey was completed for the Project site in February 2019. Based on their review of the Phase IA Archaeological Survey, the NY SHPO concurred with the report's conclusions that there is very little to no potential for intact archaeological resources to be located within the Project Site due to previous significant disturbance. In a letter dated March 15, 2019, the SHPO determined that no historic properties, including archaeological and/or historic resources, will be affected by the Project. Therefore, significant adverse impacts to historic or archeological resources are not anticipated from the Project and further assessment is not warranted.
11. Impact on Open Space and Recreation: Implementation of the Master Plan will not result in a loss of recreational opportunities or a reduction of existing open space resources because there are no existing recreation or open space resources on the Project site, except for the Shoreline Trail along Route 5, which is proposed to be extended in the Master Plan. Therefore, the Project will not result in and significant adverse impacts to recreation or open space opportunities and further assessment of open space impacts is not warranted.
12. Impact on Critical Environmental Areas: The Project site is not located within a designated CEA and therefore, implementation of the Master Plan will not result in any impact to resources in a CEA and no further assessment is warranted.
13. Impact on Transportation: Development of the Project involves construction of new public streets and may result in increases in local traffic. A traffic impact study is being undertaken to establish baseline traffic conditions and to determine the future volume upon full buildout of the Project. Although traffic and parking will increase, it is anticipated that the traffic impact study will identify mitigation measures to reduce the impact to the existing road network.
14. Impact on Energy: Implementation of the Master Plan will involve construction and operation of advanced manufacturing facilities and light and medium industrial operations. As such, energy consumption of fossil fuels will be required for construction and operation of those facilities. Although it is not anticipated that the Project will result in a significant adverse impact on energy resources, further assessment should be conducted.

15. Impact on Noise, Odor, and Light: Build out of the individual industrial lots may result in an increase in noise, odors, or outdoor lighting on the Project site that has been essentially vacant for over 25 years. However, quantitative assessment of potential impacts from Noise, odors and light cannot be conducted until future site-specific proposals are received. Noise related to construction (temporary) and operational traffic are anticipated to produce noise levels higher than the existing ambient conditions. The potential noise and lighting impacts associated with new operations are anticipated to be mitigated by the adherence of the City's zoning and noise regulations. However, further assessment of noise, odor and light impacts should be conducted.
16. Impact on Human Health: Construction activities related to the implementation of the Master Plan may result in potential impact on human health from exposure to new or existing sources of contaminants. Project build-out may involve excavation below the existing 1-foot of clean cover for general site preparation, grading and installation of utilities, or building foundations. Potential impacts are anticipated to be temporary and limited to construction activities because post-construction there will be a minimum of 1-foot of clean cover throughout the Project Site. All excavations will be conducted in accordance with the SMP, ICs and ECs as described in the Environmental Easement. Therefore, it is anticipated that any potential impacts to human health resulting from implementation of the Master Plan will be mitigated. However, further assessment and documentation should be conducted.
17. Consistency with Community Plans: Although a key objective of the Master Plan is to facilitate redevelopment of the Project site, implementation of the Master Plan is consistent with recent planning initiatives which include:
- a. City Comprehensive Plan - adopted June 2017,
  - b. Zoning - as amended May 2018,
  - c. Preliminary Draft Local Waterfront Revitalization Program - May 2018. and
  - d. Step 3 of the Draft Brownfield Opportunity Area Step 3 Implementation Strategy - November 2018.
- The Master Plan's consistency with these planning efforts should be documented.
18. Consistency with Community Character: The Project is consistent with the past and current existing community character in that it facilitates development of new advanced manufacturing facilities will replace the heavy industrial use when the site was operated by Bethlehem Steel Corporation as a steel plant. New investment and

redevelopment of the Project site is intended to revitalize the area with modern manufacturing and industrial facilities in an area historically characterized by heavy industry. The potential changes to community character should be further assessed.

For Further Information:

Contact Person: John Cappellino, Executive Vice President

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Buffalo, NY 14203

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A copy of this notice must be sent to:

Department of Environmental Conservation  
Any person requesting a copy  
Potential Involved Agencies  
Environmental Notice Bulletin