Appendix A

Executive Summary – Draft GEIS for ILDC Infrastructure Master Plan, May 2020

Executive Summary

ES.1 Description of the Proposed Action

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) acting as Lead Agency pursuant to the State Environmental Quality Review Act and its implementing regulations promulgated thereto in 6 NYCRR Part 617 (collectively, referred to as SEQRA) has prepared this Draft Generic Environmental Impact Statement (DGEIS) to assess the potential environmental impacts that may result from implementation and construction of the Infrastructure Master Plan to guide the development of the ILDC Advanced Manufacturing Park on a portion of the former Bethlehem Steel Corporation (BSC) steel plant in Lackawanna, New York (the Master Plan or Project). Adoption and implementation of the Infrastructure Master Plan constitutes the Project or Proposed Action subject to SEQRA.

The total Project Site consists of approximately 244 acres, of which the ILDC currently owns approximately 154 acres and is in the process of purchasing approximately 90 acres from Tecumseh Redevelopment, Incorporated (Tecumseh) (the Project Site). It is anticipated that the Project will result in the installation of streets, water, sewer, stormwater management facilities, and private utilities in support of future redevelopment of the Project Site for a mix of commercial, business, and light and medium intensity manufacturing facilities. Thresholds and standards for future build-out of individual development lots will be established to help ensure that private development and state or municipal decisions proceed in accordance with the Master Plan.

The Master Plan is being prepared in accordance with the guidelines established by the Governor's Office of Regulatory Reform and New York State Empire State Development in order to submit an application for Shovel Ready Certification under the Build Now New York Program as a Multi-Tenant Business and Technology Park. The certification of the property as a "shovel ready" economic development site allows the ILDC, future project developers, and economic development officials to work proactively with the State and other agencies, having already addressed the major permitting issues.

ES.2 State Environmental Quality Review Act Process

A Full Environmental Assessment Form (FEAF) Part 1, was completed by the ILDC in accordance with 6 NYCRR Part 617(f) of the SEQRA implementing regulations. The Proposed Action is classified as a Type 1 Action for the purposes of this environmental review. The ILDC circulated a Lead Agency solicitation letter on September 26, 2019 proposing to seek SEQRA Lead Agency status for the Project. On October 23, 2019, upon receiving no objections from potentially Involved Agencies, the ILDC resolved to assume the designation as Lead Agency. A Draft Scoping Document dated November 20, 2019 was prepared and circulated to the Involved Agencies and Interested Parties. A public scoping meeting was held on December 17, 2019. The Final Scoping Document was issued by the ILDC on January 22, 2020.

ES.3 Environmental Assessment of Proposed Action

Section 3 of the DGEIS describes the existing environmental setting of the Project Site; identifies potential impacts from build-out of the Master Plan as a Multi-Tenant Business and Technology Park; and wherever possible, offers mitigation measures to reduce the magnitude of significant adverse impacts.

ES.3.1 Potential Adverse Environmental Impacts

Topographic Setting, Geology, and Soils

Natural topographic features across the entire Project Site have been previously disturbed as the property was developed over the years for various buildings, roadways, rail, and other facilities on the former BSC steel plant. The entirety of each development lot will be disturbed again as it is developed in order to construct buildings, parking, or landscaped green space. In order to maintain the Certificate of Completions issued under the New York State Brownfield Cleanup Program with respect to certain portions of the Project Site, anywhere the existing 12 inches of clean cover (soil or other material) is breached, penetrated, or temporarily removed, and if any underlying remaining impacted soils are disturbed, the Site Excavation Work Plan (EWP) must be followed, which is included in the respective Site Management Plans (SMPs) applicable to the Project Site. To minimize future disturbance of remaining contaminated soils, clean utility corridors will be installed along the roadways within the 100-foot ROW for water, sewer, drainage, and private utility lines. Impacts to bedrock are expected to be avoided and therefore, no significant adverse impacts are anticipated.

Brownfield Cleanup Program Status and Hazardous Materials

The Project Site is comprised of 23 individual NYSDEC-designated Brownfield Cleanup Program (BCP) sites that comprise the areas known as Business Park I and Business Park II. The BCP sites in Business Park I and Business Park II have been remediated in accordance with NYSDEC standards or are slated for remediation in accordance with their respective Brownfield Cleanup Agreements in order to facilitate industrial re-use of the BCP sites.

With respect to 9 of the BCP sites currently owned by the ILDC, a minimum of 12 inches of clean cover material has been placed along with a demarcation layer in all areas that are not paved or covered by concrete or structures and Certificates of Completion (COC) have been issued. Remediation is complete on the remaining 6 BCP sites currently owned by the ILDC, and they are in a “cover-ready” state, requiring only the 12 inches of clean cover material to be placed on-site in order to obtain their COCs. The 8 BCP sites which the ILDC is purchasing from Tecumseh are contemplated to be remediated to a “cover-ready” state, requiring only the 12 inches of clean cover material to obtain their COCs.

Any future intrusive construction work must be performed in compliance with the Excavation Work Plan, as well as the Health and Safety Plan and Community Air Monitoring Plan, which are provided as appendices in the Site Management Plans. To minimize future disturbance of remaining contaminated soil, Clean Utility Corridors will be installed along the roadways.

Water Resources

No surface waters are located within the Project Site. However, the Project Site is bisected by Smokes Creek, which lies within an approximately 150-foot wide corridor owned by Tecumseh. The North and South Return Water Trenches are located west of the Project Site. However, no surface water resources are located within the real property currently owned by the ILDC within the Project Site. During the construction of each phase of property development, the potential exists for silt-laden stormwater runoff from construction areas to enter adjacent surface waters. Adherence to the requirements of State Pollutant Discharge Elimination System General Permit (GP-0-20-001) for the treatment and management of Stormwater Discharges from Construction Activities, and to site-specific Stormwater Pollution Prevention Plans will provide necessary mitigation measures to reduce any adverse impact to surface waters as a result of construction activities during build-out of the individual development lots.

A preliminary Stormwater Pollution Prevention Plan ("SWPPP") has been prepared based on the current Master Plan.

No significant adverse impacts to groundwater resources are anticipated from site development and therefore, no mitigation measures are proposed.

Approximately 152 acres of the 244-acre ILDC Project Site are located outside of regulated floodplains and therefore, development in those locations are less likely to be affected by flooding. Approximately 5.4 acres of the Project Site are located in the 100-year floodplain and approximately 88.0 acres of the Project Site are located within the 500-year floodplain. Potential impacts from development within the 100-year floodplain will be mitigated through compliance with the construction requirements of §230-68 of the City of Lackawanna Code (Flood Development Permits).

The NYSDEC acquired a permanent easement for flood control purposes, 25 feet from the top of the creek along both sides of Smokes Creek corridor. The easement is within the wider Smokes Creek corridor that will remain in Tecumseh ownership.

No U.S. Army Corps of Engineers-regulated wetlands or NYSDEC-regulated wetlands or 100-foot buffer areas are mapped within the Project Site and no wetlands were observed during the field investigation of the Project Site.

Terrestrial and Ecological Resources

Due to the lack of lack of significant natural communities or rare, threatened or endangered plant species on site, the implementation of the Master Plan and subsequent site development will not result in significant adverse impacts to those natural communities or species. Subsequent build-out of the individual development lots will result in the retention of approximately 49 acres of greenspace.

Wildlife on and in the vicinity of the Project Site is typical of wildlife found in urban areas in Western New York. Development of the Project Site will result in temporary and permanent impacts to wildlife resources

and habitat. Impacts to the federally-threatened northern long-eared bat are not anticipated due to the lack of mature trees on or within the vicinity of the Project and impacts to the peregrine falcon and gulls are anticipated to be temporary in nature. Because it is anticipated that implementation of the Master Plan and future build-out of the individual development lots will not result in significant adverse impacts to existing wildlife or to rare, threatened and endangered species, no mitigation is necessary.

Existing Land Use, Zoning and Coastal Zone Consistency

The Master Plan will allow vacant land to be redeveloped with new, less intensive uses compared to the prior heavy industrial activities that formerly occupied the Project Site. This change will be positive in nature and not result in significant adverse impacts to the surrounding community.

The Project Site is located within two zoning sub-districts: BRA-LI and BRA-MI. The Master Plan is consistent with the land use and dimensional requirements for each district. Meeting the applicable zoning requirements minimizes potential impacts to land use, visual resources, noise and air quality impacts.

Implementation of the Master Plan and subsequent build-out of individual development projects are subject to a determination of consistency with the policy objectives of the City of Lackawanna's Local Waterfront Revitalization Program (LWRP), when individual projects are reviewed by the City. The proposed uses are also consistent with the City of Lackawanna Brownfield Opportunity Area (BOA) plan for the Project Site.

Cultural Resources

A Phase 1A archaeological survey was prepared in response at the request of the New York State Office of Parks, Recreation and Historic Preservation/State Historic Preservation Office (SHPO). SHPO's review of the completed Phase 1A survey on March 15, 2019 concluded that "*It is thus the opinion of SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking*." Therefore, it is anticipated that implementation of the Master Plan and build-out of the individual development sites will not result in any significant adverse impacts and no mitigation measures for cultural resources are required.

Visual and Aesthetic Resources

The Project Site, which was once a part of the former BSC steel plant, is now characterized as abandoned, vacant land with overgrowth vegetation mainly comprised of early successional plants. The Project Site is devoid of structures except for two existing electrical substations and a vacant building. Implementation of the Master Plan and build-out of the individual development sites will result in significant changes to the visible landscape that are different from the current conditions and surrounding land uses. Overall, future development of the Project Site, as guided by the Master Plan, will result in positive improvements to the aesthetic quality and visual character of the property that will vastly improve existing conditions and replace former heavy industrial land use activity with clean, modern building designs that will enhance views of the Project Site. All future development on the Project Site will be subject to site plan review by the City of Lackawanna Planning Board, with consideration given to the supplemental Design Standards in the

Zoning Law. Given the programmatic mitigation measures the City has in place, it is not anticipated that build-out of the individual development lots will result in any significant adverse impacts to visual resources and no further mitigation measures are necessary.

Transportation

A Traffic Impact Study (TIS) was completed in 2019 to evaluate the existing local vehicular transportation network and to assess potential impacts the Project could cause on local traffic. In order to quantify potential impacts to the transportation network, the quality of traffic flow was assessed in term of levels of service (LOS). LOS values within the vicinity of the Project, after full redevelopment, are anticipated to be high. However, the LOS changes are due to the forecasted increased traffic on NYS Route 5 and not necessarily the increases associated with the Project redevelopment. The following options are likely to improve the levels of service at these two intersections:

- The addition of designated left turn and right turn lanes at the Ridge Road / SB NYS Route 5 Ramp intersection; and

- The addition of a 200-foot southbound right turn (deceleration) lane at Madison Avenue.

Public Services and Utilities

With improvements to the distribution systems, adequate natural gas and electric services are available to support build-out of the Project Site.

The conceptual site plans included in the *Engineers Report for Industrial Park Infrastructure Master Plan*, January 2020 prepared by AECOM (Engineers Report) and found in Appendix A. The Engineers Report provides a scenario where all potential lots can be adequately served by expanded public water and sewer systems, primarily along the proposed internal road network.

The anticipated water demand for the development of the Project is 3,528 gallons per minute (GPM). Based on the design parameters, the existing water system will be adequate to meet both domestic and fire-fighting demands from the proposed development. Therefore, no mitigation measures will be required to accommodate the increased water demand.

The total estimated average daily sanitary flow from the site development is approximately 0.65 million gallons per day (MGD). The existing available sewer capacity is 1.0 MGD at the Lackawanna Water Resource Recovery Facility and 2 MGD in the collection system along Odell Street. Therefore, the sewage flow for the proposed development will not exceed the existing sewer capacity and no mitigation measures will be required to accommodate the increased demand for treatment.

Socioeconomic Conditions

Implementation of the Master Plan and future build-out of the individual development sites will not create population within the Project Site. However, the Proposed ILDC Advanced Manufacturing Park project is

expected to provide a stabilizing effect on population in the City as employment opportunities will increase and will likely be a catalyst for desired population growth in the First Ward.

According to the *ILDC - Industrial Park Infrastructure Master Plan Real Estate Analysis Draft Report* prepared by AECOM in January 2019 (Real Estate Analysis Report) found in Appendix G, build-out of the individual development lots may add approximately 1,700 temporary jobs and 5,500 permanent jobs and may result in a net increase in income for workers in the City of Lackawanna and the greater Buffalo area.

Socioeconomic impacts from implementation of the Master Plan and development of the individual parcels on the Project Site are expected to be positive, and therefore, no mitigation is deemed necessary.

Noise

The surrounding land uses near the site include vacant lands and existing industrial operations within the former BSC property. There is also construction noise from various remediation activities on the remaining off-site Tecumseh-owned properties. Miscellaneous industrial operations and storage, and the "First Ward" residential neighborhood are located east of Route 5.

Because the anticipated uses in the proposed Project are permitted uses in the existing City Zoning and will adhere to Chapter 159 Noise, a detailed noise study is not recommended per the NYSDEC Program Policy DEP-00-1 *Assessing and Mitigating Noise Impacts*, revised February 2001.

The Project is not anticipated to have a substantial adverse change on existing noise levels at or near the Project Site. Construction activities will result in temporary noise impacts, primarily due to the operation of construction-related equipment including trucks entering and exiting the site and heavy equipment. However, construction is anticipated to be limited to "normal business" hours to mitigate the potential effects to noise sensitive receptors.

The Project Site is relatively isolated from residential noise receptors. The closest residential area to the Project is opposite NYS Route 5 to the east, in Lackawanna's "First Ward" neighborhood. The anticipated increase in noise levels resulting from operations associated with the future light and medium manufacturing and industrial uses on the individual development lots would be similar or lower than current noise levels related to on-going operations of surrounding medium to heavy industries and businesses; and may be lower than the existing traffic-generated noise levels along Route 5. If further assessment is warranted due to the proposed location or proposed uses, then a noise study should be completed in adherence to the NYSDEC Noise Policy as part of site plan review and SEQR.

Air Quality

Impacts to air quality may occur from vehicular exhausts. Based on the traffic impact analysis studies, traffic is not anticipated to exceed the average annual growth rate for the area, and therefore vehicle related emissions impacts are anticipated to be minimal and no significant adverse impacts are expected. During construction, dust may increase but is anticipated to be temporary in nature and will not occur over prolonged periods of time. During construction excavations, if the demarcation layer within the soil is

breached (1 foot down), there is the potential that volatile organic compounds and particulates may be exposed. Dust will be controlled by utilizing appropriate best management practices (BMPs), such as mulch, water sprinkling, and wind barriers and the Community Air Monitoring Plan (within the EWP) will be followed if the demarcation layer within the soil is breached.

During the site plan review process, potential air impacts should be identified through the SEQR Coordinated Review process. Should applicant(s) propose a use that requires a state or federal air permit, or if the proposed use requires air modeling and analysis, adherence to the necessary steps needed to obtain the air permit would be required, including mitigation measures or testing or modelling.

Environmental Justice

The Study Area for the Environmental Justice analysis generally encompasses those U.S. Census Bureau block groups which lie within 400 feet of the Project Site. As detailed in the technical assessments in Section 3 of this DGEIS, there would be no significant adverse short- or long-term impacts resulting from the Project. There would be short-term minor construction-related impacts due to increased noise and traffic. There would also be the potential to disturb hazardous substances. Any hazardous substances encountered would be managed pursuant to the NYSDEC-approved SMP designed to be protective of human health and the environment. Also, impacts would have a limited duration and BMPs and other measures would be employed to minimize impacts. Although these impacts potentially could be experienced by low-income and minority populations, the impacts would be felt fairly equally by all populations proximate to the Project Site and therefore would not be disproportionate. The project would result in beneficial socioeconomic and aesthetic impacts, which would be shared equally by all living and working in the area, including minority and low-income populations

Temporary and Short-Term Impacts

Development of the Project Site will result in temporary and short-term impacts related to construction activities. The short-term noise impacts will cease upon completion of the Project construction activities. To mitigate short-term air quality impacts due to construction activities, low sulfur fuel should be used whenever possible and engine idling time should be limited. Dust will be controlled by utilizing the appropriate BMPs, such as mulch, water sprinkling, and wind barriers. To minimize exposure to volatile organic compounds and particulates, where there currently is 12 inches of clean cover material the EWP's will be followed any time the existing 12 inches of clean cover is breached, penetrated, or temporarily removed, and any underlying remaining impacted soils are disturbed.

Significant Unavoidable Adverse Impacts

Certain environmental impacts associated with the Proposed Action are unavoidable. Unavoidable adverse impacts have been reduced to the extent practicable through the design of the Master Plan; and where appropriate, through the identification of mitigation measures and use of BMPs. Unavoidable environmental impacts associated with the Proposed Action include:

- Conversion of 194.9 acres of land to impervious land cover (i.e., buildings, parking lots, roads).

- Changes to the existing drainage conditions from the increase in impervious and potential impacts from erosion and sedimentation of local drainage ways.

- Short-term and long-term impacts to the existing noise setting due to construction and operation of the developed properties.

- Change in land use from vacant to light and medium industrial as allowed by the City's zoning policy.

- Changes to the visual setting of the Project Site.

- Increases in local traffic.

- Short-term, temporary impacts related to construction activities, including noise from construction vehicles and equipment, and short-term impacts to air quality from dust and exhaust. In addition, construction activities may increase the potential for erosion, flooding, and drainage problems, although implementation of BMPs will ensure that these problems are minimized.

Irreversible and Irretrievable Commitment of Resources

The proposed Project will require some irreversible and irretrievable commitment of certain material, natural and financial resources. Existing vacant open space and existing vegetation will be replaced with development. Various construction materials and building supplies will also be committed to the future build-out of the individual development lots. The use of materials, such as gravel, concrete, steel, etc., will represent a long-term commitment of these resources. The expenditure of public funds will continue to be required throughout the process for environmental review, site and building design, permitting, site plan approval and construction phases of infrastructure for the Project. The commitment of these resources makes them unavailable for other uses.

Growth Inducing Impacts

Implementation of the Master Plan and build-out of the individual development lots is not likely to result in a greater level of development than the existing zoning otherwise allows. Any secondary development pressure (i.e., for housing and commercial services resulting from development of the Project Site) can be absorbed by vacant lands, underdeveloped properties and redevelopment of existing structures and lands within the City of Lackawanna and surrounding communities. Therefore, the Project is not anticipated to result in significant negative impacts to the surrounding area or the City as the result of further growth in the community.

Cumulative Impacts

In general, cumulative impact analysis of external projects proposed for construction in the region is required by SEQRA where the external projects have been specifically identified. Since no external

projects have been identified to be considered under an in-depth analysis of cumulative impacts associated with the Project, no further analysis has been determined to be appropriate for this action. Any development of individual lots within the Project Site that exceeds the thresholds identified in Section 5.0 of this DGEIS that necessitates additional SEQR review would also be required to address potential cumulative impacts. Additionally, when projects subject to SEQR are proposed in the future on the remaining Tecumseh-owned lands they will benefit from this DGEIS in their assessment of cumulative impacts.

The Master Plan is designed to meet market demand in terms of lot size, access, and infrastructure. The road layout and lot configuration is flexible and capable of being developed in phases. Therefore, not all the roads and utility infrastructure must be constructed at one time in order to build out some or all the individual development lots. The assessments conducted for this DGEIS consider the full build out of all the infrastructure and development of all the land available in accordance with the current zoning. The implementation of the Master Plan, including the mitigation measures identified herein, will be no less protective of the environment if all or part of the Project is completed.

ES.4 Alternatives Considered

1. Preferred Alternative: The preferred alternative is the implementation of the Master Plan for the development of an Advanced Manufacturing Park in order to advance the ILDC's economic and community development goals. The Preferred Alternative presents the ILDC's objectives to have in place a conceptual design for roads and utilities that can be implemented, in a phased approach as needed, to facilitate the redevelopment of this portion of the former BSC property. The potential impacts of implementation of the Master Plan and future buildout of the development lots (the preferred alternative), are summarized in Section 3 of this DGEIS. Potential impacts have been reduced or mitigated through concept design and the establishment of regulatory requirements.

2. Alternative Sites: Evaluation of alternative sites is limited to properties that are similar in size, condition, and availability. Regarding availability, the ILDC currently owns approximately 154 acres of the Project Site and is in the process of purchasing the remaining 90 acres but, does not own other lands having the unique circumstances afforded to this site. If the ILDC had control of a site of similar size with similar zoning controls, the potential environmental impacts for future development of that alternative site would be similar to implementation of the preferred alternative.

3. Alternative Size and Scale: The Master Plan is designed to be flexible in terms of road and utility layout and lot configuration. If fewer larger lots are assembled and sold, or if more smaller lots are subdivided and sold, the net developable area would be controlled under the same zoning requirements and generally result in the same impacts. Differences under these scenarios may result in the overall length and of public roads and extent of utility installation.

4. Alternative Uses of the Project Site: Under this alternative, land uses other than those proposed by the Project are considered. However, the current zoning and environmental restrictions placed on the BCP sites limit the future use to commercial and industrial facilities; residential uses are not allowed. The ILDC purchased the property with the intent to utilize public resources to facilitate

the redevelopment of this former heavy manufacturing site to encourage new job creation. Build-out of the Master Plan best meets the ILDC's goal to construct an advanced manufacturing park as an economic development stimulus project for the City of Lackawanna and the region.

5. No-Action Alternative: Under the No-Action alternative, the Project Site would remain in its existing condition. There would be no further public or private investment in infrastructure improvements. The property would not be subdivided into individual development lots and would remain vacant and underutilized, resulting in a loss of future economic, employment and fiscal benefits to the community. Remaining environmental remediation activities may not proceed at their current pace or at all. If not maintained, portions of the Project Site would continue to naturally revegetate and increase habitat for local flora and fauna. However, successional vegetation on site may hamper the placement of final clean cover.

   The No-Action Alternative would result in economic uncertainties for the property owners and does not meet the ILDC's objectives to obtain shovel ready certification and market the Project Site for development as an advanced manufacturing park. Therefore, it was considered but not selected as the preferred alternative.