



Phillips Lytle LLP

Via FedEx

July 29, 2020

John C. Whitney, P.E.
Town Supervisor
Town of Grand Island
2255 Baseline Road
Grand Island, New York 14072

Re: TC Buffalo Development Associates, LLC
Application for Incentive Zoning
2780 Long Road, Grand Island, New York 14072
Tax Section 23, Block 1, Lot 50
Tax Section 23, Block 1, Lot 26.1

Dear Supervisor Whitney and Members of the Town of Grand Island Town Board:

As you know, we represent TC Buffalo Development Associates, LLC (“**TC Buffalo**”) with respect to the proposed development of approximately 145.4 acres of land located at 2780 Long Road (“**Site**”), in the Town of Grand Island (“**Town**”), New York, for use as an e-commerce storage and distribution facility for consumer products (“**Facility**”), by a single confidential prospective entity (“**Project**”).

On February 21, 2020, TC Buffalo submitted an Application to the Town Board (the “**Application**”) to designate the Site as a Planned Development District (“**PDD**”). As part of the Application, TC Buffalo also submitted an Analysis of Environmental Impacts Pursuant to New York State Environmental Quality Review Act or SEQR (the “**EA**”). The Town Board declared its intent to act as lead agency for the purposes of a coordinated review, as required by SEQR, on February 25, 2020. Lead Agency packages were distributed to potentially interested and involved agencies by February 28, 2020.

Under SEQR, prior to undertaking, funding or approving a project, the lead agency must consider the potential environmental impacts of a proposed project. As such, TC Buffalo submitted the EA with the Application and then on April 9, 2020, submitted a

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supplemental submission in response to traffic comments to aid in the Town Board's review of the Project and its determination, as lead agency, pursuant to SEQR (the "**Traffic Supplement**"), on May 4, 2020 TC Buffalo submitted a second supplemental submission to respond to comments received on the Project and to aid in the Town Board's review of the Project (the "**Supplemental EA**"), on May 21, 2020, TC Buffalo submitted a third supplemental submission seeking major subdivision approval as necessary to separate the Site from the West Parcel ("**Third Supplement**"), on June 5, 2020 TC Buffalo submitted a fourth supplemental submission ("**Fourth Supplement**"), and on June 30, 2020, and amended on July 20, 2020, TC Buffalo submitted a fifth supplemental submission ("**Fifth Supplement**") (together, the "**Supplements**"), to aid in the Town Board's review of the Project and its determination, as lead agency, pursuant to SEQR.

As you are aware, the Town recently adopted Local Law No. 4 of 2020 ("**Local Law**"), effective June 9, 2020, which amended the Town of Grand Island Code ("**Code**") with regard to its incentive zoning and PDD requirements. The amendments, codified at Code § 407-20(B) and § 407-120(C)(2), require incentive zoning in exchange for any waivers in a PDD and broaden the authority of the Town Board to grant incentive zoning. Following amendment of the Code, a copy of the Local Law was provided to TC Buffalo by the Town Attorney on June 19, 2020, along with a request that TC Buffalo update its Application to address the Code amendment.

Accordingly, as a sixth supplement to the Application, and as set forth more fully below, TC Buffalo hereby supplements its Application to incorporate incentive zoning as required by the Code amendments ("**Incentive Zoning Application**"). Enclosed herewith are twelve (12) copies of the Incentive Zoning Application.

INCENTIVE ZONING LAW REQUIREMENTS

Pursuant to Town Law § 261-b, the Town Board is empowered to provide for "a system of zoning incentives, or bonuses, as the [T]own [B]oard deems necessary and appropriate." The purpose of incentive zoning is to "advance the Town's specific physical, cultural and social policies in accordance with the Town's comprehensive plan



and in coordination with other community planning mechanisms or land use techniques.” Town Law § 261-b. Although incentive zoning represents a departure from traditional *Euclidian* zoning principles and concepts, courts in New York State have nevertheless found that incentive zoning is permissible. *See, e.g., Matter of Brighton Grassroots, LLC v. Town of Brighton*, 179 A.D.3d 1500, 1501 (4th Dep’t 2020); *Matter of Residents for Reasonable Dev. v. City of New York*, 128 A.D.3d 609, 611 (1st Dep’t 2015). As a matter of policy, the Court of Appeals has recognized the particular utility of incentive zoning, observing that “[i]ncentive zoning is based on the premise that certain uneconomic uses and amenities will not be provided by private development without economic incentive.” *Asian Ams. for Equal v. Koch*, 72 N.Y.2d 121, 129 (1988).

Town Law § 261-b provides that any incentive zoning approved by the Town Board must be “in accordance with a comprehensive plan” *Id.* In determining whether to approve an application for incentive zoning, the Town Board must consider “the effects of any potential incentives which are possible by virtue of the provision of community amenities” and make a finding as to whether the underlying zoning district “contain[s] adequate resources, environmental quality and public facilities, including adequate transportation, water supply, waste disposal, and fire protection.” *Id.* Additionally, “[i]f the [T]own [B]oard determines that a suitable community benefit or amenity is not immediately feasible, or otherwise practical,” the Town Board may accept “payment to the [T]own of a sum to be determined by the [T]own [B]oard.” In such case, the payment must be “deposited in a trust fund to be used by the [T]own [B]oard exclusively for specific community benefits authorized by the [T]own [Board].” Town Code § 407-20(D).

Consistent with this statutory scheme, Code § 407-120(C)(2), as modified, requires incentive zoning for any property in a PDD that needs waivers or modifications from the underlying zoning requirements, and states that deviations “will only be granted as incentives following the provision of appropriate amenities as set forth in [Code §] 407-20.” Additionally, Code § 407-20(B) states that “[t]he granting of any incentive and the requirement of any amenity must be designed to achieve specific goals identified in the Comprehensive Plan . . . including, but not limited to, provision for community space, parkland, preservation of natural features, and supporting public infrastructure.”



INCENTIVES REQUESTED

As noted in the Application, the Site is zoned M-1 Light Industrial and Research District (“M-1”). In a PDD, the underlying zoning regulations are applicable unless waived or modified by the Town Board. See Code §§ 407-16; 407-120(B). Previously, in the Application and Third Supplement, TC Buffalo requested the following waivers or modifications from the underlying M-1 requirements for the Project.

Building Category	Code Requirement	Proposed Waiver/Modification
Minimum Lot Frontage	150 feet (§ 407-16, Schedule I)	120 feet
Minimum Lot Width	150 feet (§ 407-16, Schedule I)	120 feet
Maximum Building Height (in stories)	4 stories (§ 407-16, Schedule I)	5 stories
Maximum Building height	45 feet (§ 407-16, Schedule I)	87.31 feet
Off-street Parking Requirements	4,043 spaces, plus one space per employee (§ 407-133, Schedule III)	1,855 spaces for cars 16 spaces for motorcycles¹
Lighting Requirements	Not higher than 20 feet (§ 407-109(C))	40 feet high (pole 37 feet on a concrete base of 3 feet) 25 feet high (building mounted)
Watercourses	No plan shall be approved that would alter the course of a natural watercourse (§ 407-110(M))	Permit crossing of Collector Creek and relocation of Feeder Creek
Side Yard Setback	50 foot minimum setback when adjacent to Residential Zoned Lots (§ 407-16, Schedule I)	Permit sound wall to be placed 11 feet from West Parcel boundary line at closest point

¹ Code § 407-136 establishes certain dimension requirements for parking spaces. The motorcycle spaces proposed are smaller than the spaces outlined in Code § 407-36, but nevertheless serve to provide parking on the Site.



Front Yard Setback	65 foot minimum front yard setback or 80 foot minimum setback from Long Road centerline right-of-way (§ 407-16, Schedule I)	Permit sound wall to be placed 42 feet from the pavement edge of Long Road or 19.5 feet from the southern Long Road right-of-way line
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- Lot Frontage - Code § 407-16, Schedule I establishes setback requirements of 150 feet in the M-1 District. As stated in the Application, however, pre-existing conditions on the Site have reduced the setback to 120 feet in some places. Accordingly, on behalf of TC Buffalo we respectfully request waiver of this setback requirement to accommodate the pre-existing conditions on the Site.
- Width - Code § 407-16, Schedule I establishes a requirement for lot width of 150 feet in the M-1 District. As stated in the Application, pre-existing conditions on the Site have reduced the lot width in some places below what is otherwise required. Accordingly, on behalf of TC Buffalo we respectfully request waiver of this setback requirement to accommodate the pre-existing conditions on the Site.
- Height - Code § 407-16, Schedule I establishes a maximum building height of 4 stories and 45 feet in the M-1 District. The Facility proposed is 5 stories and 87.31 feet in height. As discussed in the Application, the scale of the facility is a critical component of the Project's operations and efficiencies, economic development goals, and long-term viability. Accordingly, on behalf of TC Buffalo we respectfully request a waiver of the maximum height, both in feet and stories, to accommodate the Project.
- Parking - For warehouses, like the Facility, Code § 407-133, Schedule III requires 1 parking space per 1,000 square feet of gross floor area, plus 1 additional parking space per employee. For offices, like that proposed within the Facility, Code § 407-133, Schedule III requires 1 space per 200 square feet of gross floor area. As stated in the Application, the Code, thus, requires at least 4,732 parking spaces to accommodate the Facility's warehouse use and an additional 260 parking spaces to accommodate the Facility's office use. To meet this parking requirement – 4,992 parking spaces in total – the Project would require



significant additional development of the Site. As discussed in the Application, however, a lower parking requirement may be appropriate because only 1,436,526 square feet of the warehouse area are proposed for occupant load, while the rest will be used for the robotics field. Thus, accounting for only the occupied portion of the warehouse, Code § 407-133, Schedule III would require only 1,437 parking spaces to accommodate the Facility's occupied warehouse use – more than 3,000 spaces less than required when also accounting for both the unoccupied warehouse use. Accordingly, on behalf of TC Buffalo we respectfully request a waiver of the parking requirement to permit the Project with less parking than required by the Code.

- Lighting - Code § 407-19(C) states that lighting may not be higher than 20 feet. As stated in the application, the Project proposes building mounted lighting 25 feet high and pole mounted lighting that is 40 feet high. Although these lights are higher than what is permitted by the Code, shorter lights would require a greater number of overall lights on the Site, which would reduce efficiency and could be unsightly. Further, additional measures have been taken to concentrate light on the Site and avoid interference with neighboring properties. Accordingly, on behalf of TC Buffalo we respectfully request a waiver of the lighting height requirement.
- Watercourses - Code § 407-19(M) requires Town approval to alter natural water courses on the Site. As stated in the Application, a wetland delineation conducted on the Site revealed a number of wetlands and watercourses present on the Site, including two watercourses/drainage ditches designated by the Town as a Feeder Creek and a Collector Creek. As discussed in the Application, the Project proposes installation of a roadway leading from Bedell Road to the Facility that will cross the Collector Creek and has been specifically designed and will be constructed to maintain flow and potential aquatic life movement. Additionally, the Collector Creek road crossing is designed and will be constructed to maintain adequate capacity and stability for various flood flows. The Project also proposes relocating the Feeder Creek to the west of the Site. The relocated Feeder Creek will maintain similar stream flow and will not adversely



impact flood conditions on the Site. Accordingly, on behalf of TC Buffalo, we respectfully request permission to alter the Feeder Creek and Collector Creek to enable construction of the Project.

- Setbacks - Code § 407-16, Schedule I establishes a side yard setback requirement of 50 feet when adjacent to a residential zoned lot and a front yard setback of 65 feet from the front yard or 80 feet from the centerline right-of-way. TC Buffalo is proposing to construct a sound wall at the northwest corner of the Site, along the northern Site driveway, carried to a height of approximately 16 feet above grade. The sound wall will minimize the acoustical impact from on-Site truck activity to the neighboring residences. Accordingly, TC Buffalo respectfully requests waiver of these setback requirements to accommodate the sound wall on the Site.

AMENITIES PROPOSED

Following discussions with the Town regarding the Town's needs and goals, TC Buffalo proposes funding for community benefits as an amenity in exchange for the incentives discussed herein.

In accordance with Town Law § 261-b(h) and Code § 407-20(B), TC Buffalo proposes a payment of \$10 million, to be deposited into a trust fund in three equal increments after the Project obtains the necessary approvals – the first payment to be made upon commencement of construction, the second payment on or before one year after the date of commencement of construction, and the final payment within 30 days after issuance by the Town of a final unconditional certificate of occupancy. In accordance with Town Law § 261-b, use of the funds must be for specific community benefits authorized by the Town Board. TC Buffalo proposes that a portion of the payment be used for various infrastructure improvements desired by the Town relative to the Project, such as road and water utility improvements, and that the remainder be used to fund various community benefits, including funding towards the construction of a community center and for improvements to the Grand Island Bike Trail (including connection to the multimodal path currently proposed at the Site).



Funding for these projects is offered not only as a way to meet specific identified needs of the Town, but also to further the charitable priorities of TC Buffalo's prospective tenant, Amazon.com Services LLC ("**Amazon**"). Amazon endeavors to have a long-term positive impact in the communities where it has a physical presence and is focused on building innovative and sustainable programs that will have a lasting, positive and meaningful impact in communities around the world. To this end, Amazon has identified several charitable priorities where it focuses its community efforts, including STEAM/STEM education, right now needs, hunger, social justice and equality, and sustainability. TC Buffalo and Amazon aim to have these goals incorporated in the Town's use of the amenities offered, in alignment with the Town's Comprehensive Plan goals.

With regard to STEAM/STEM education, Amazon is committed to helping children – especially those from underrepresented, underprivileged and underserved communities – have access to computer science education so that someday they might choose to pursue a career in this exciting and rewarding field. In combating right now needs such as hunger, Amazon has donated delivery services through its Amazon Flex network and other delivery partners, and in-kind donations through its Customer Fulfillment Centers, which has helped to get millions of meals to tens of thousands of people. These efforts are critically important now, while hunger is on the rise during the pandemic and food banks and community organizations face unprecedented demand, and Amazon has played an integral role in these response efforts. In fact, since March, Amazon's donated delivery services have brought more than 6 million meals straight to those in need. In furtherance of social justice and equality, Amazon is committed to supporting education and justice for Black communities across the United States, and, since June, has donated more than \$27 million to support organizations focused on combating systemic racism. Finally, Amazon's sustainability goals represent a significant priority area for Amazon. Most notably, Amazon co-founded the Climate Pledge, which asks businesses to commit to be net zero carbon by 2040, 10 years ahead of the Paris Agreement. In doing its part to fulfill its promises under the Climate Pledge, Amazon is, among other things, investing in utility-scale renewable energy projects, electric vehicles, and funding to support the development of



sustainable technologies and services that will enable Amazon and other companies to meet the Climate Pledge.

TC Buffalo and Amazon offer the foregoing amenities, in particular, funding for a community center and improvements to the Grand Island Bike Trail, as a way to align these goals with the Town's stated goals and its Comprehensive Plan. TC Buffalo and Amazon request that the Town ensure that programming offered at the community center include programs related to STEAM/STEM, right now needs, hunger, social justice and equality, and sustainability initiatives, as well as other priorities that may be identified by Amazon and/or TC Buffalo.

ANALYSIS

As discussed above, Town Law § 261-b requires that the Town Board make an initial finding as to the adequacy of the infrastructure and services present on the site, such as the resources, environmental quality and public facilities at the Site, including adequate transportation, water supply, waste disposal, and fire protection. In considering the adequacy of such resources, the Town Board must also consider the effects of the incentives and proposed amenities. Town Law § 261-b and Code § 407-20(B) also require any incentive zoning proposed to be consistent with the Comprehensive Plan. Additionally, Code § 407-20(B) requires that any incentive zoning be designed to achieve the specific goals identified in the Town's Comprehensive Plan. *See* Code § 407-20(B). A memorandum providing a detailed analysis of the adequacy of the infrastructure and services available at the Site and consistency with the Town's Comprehensive Plan is attached hereto as **Exhibit A** and made a part hereof.

CONCLUSION

As detailed herein, the incentive zoning proposed by TC Buffalo meets the requirements of Town Law § 261-b and Code § 407-20(B) and § 407-120(C)(2) such that it is appropriate for the Town to approve the incentives and amenities requested herein. Specifically, the underlying zoning district contains adequate infrastructure and services to accommodate the Project. TC Buffalo has worked extensively with its



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consultants and the Town's consultants to verify the adequacy of the infrastructure and services, as exemplified by the Application and Supplements, and noted herein. Additionally, as described in great detail both here and in the Application and Supplements, the Project is consistent with the Comprehensive Plan in that it achieves the Comprehensive Plan's significant development objectives, while incorporating strategic design elements and mitigation measures that ensure the Project is still in line with the small town, residential character of the Town. As the Long Range Planning Committee astutely noted, the Project achieves significant economic and financial gain for the Town and does so without compromising the welfare and integrity of the Town. In fact, the amenities discussed herein provide desired Town amenities consistent with the Town's Comprehensive Plan.

On behalf of TC Buffalo, we respectfully request that the Town Board approve the incentive zoning proposed herein. We also respectfully request that the Town Board place this matter on its August 3, 2020 agenda for consideration.

We look forward to continuing to work with the Town on this exciting Project. Please do not hesitate to contact us if there are any questions regarding this Application.

Very truly yours,

Phillips Lytle LLP

By /s/ *Kimberly R. Nason*

Kimberly R. Nason

KRN

cc: Peter Godfrey, Town Attorney (via email only)



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Charles Malcomb, Town Attorney (via email only)
Robert H. Westfall, P.E., Town Engineer, Town of Grand Island
Ron Milks, Town Code Enforcement Officer
Robert Hassett, Building Safety Inspector, Town of Grand Island
Rhonda Tollner, Zoning Clerk, Town of Grand Island
James Murray-Coleman, Trammel Crow Company (via email only)
Michael Finan, P.E., LEED-AP, Langan Engineering (via email only)

EXHIBIT A



Phillips Lytle LLP

Memorandum

To: Town of Grand Island Town Board

From: TC Buffalo Development Associates LLC (“TC Buffalo”)

Date: July 29, 2020

Re: TC Buffalo Incentive Zoning Application

This memorandum addresses the requirements for incentive zoning outlined in Town Law § 261-b and Code §§ 407-20(B) and 407-120(C)(2), as amended by Local Law No. 4 of 2020.

Preliminary Indication of Adequate Infrastructure and Services

As discussed above, Town Law § 261-b requires that the Town Board make an initial finding as to the adequacy of the infrastructure and services present on the Site. The adequacy of the infrastructure and services available at the Site is discussed extensively in the Application and Supplements previously submitted by TC Buffalo, which show that the infrastructure and services are adequate to meet the needs of the Project. Moreover, as discussed herein, the incentives and proposed amenities will not negatively impact the infrastructure and services available to serve the Site and, even taking the incentives and amenities into consideration, such infrastructure and services are adequate to serve the Project.

1. Resources

As stated in the Application, the Site is uniquely suited for the Project and the Project, including the incentives described above, makes appropriate use of the resources present on the Site. For instance, the Site’s large size and proximity to I-190 are ideal for the type of Facility contemplated by the Project, and this Site has been long-targeted for development by the Town. Additionally, several areas on the Site have been previously cleared or are grassland, making the Site well suited for development. Although additional clearing is required on the Site, roughly 89.6 acres of the Site will be left as open space and the entirety of the 62 acre West Parcel will be permanently conserved in conjunction with the Project. The Project otherwise contemplates substantial plantings, which will replace some of this lost vegetation and enhance the aesthetic value of the

Project. Furthermore, to the extent that the Project involves disturbance of wetlands on the Site, the Project has been carefully designed to avoid impacts to State wetlands and wetland buffer areas. While there are 0.829 acres of disturbance of federal wetlands, such disturbance will be done in accordance with a permit from the United States Army Corps of Engineers (“USACE”), including required mitigation. Similarly, disturbance of the water features will be done in a manner that improves existing hydrologic function and maintains existing habitat function. While certain endangered or threatened species have been identified in the vicinity of the Site, based upon consultation with USFWS and NYSDEC and field visits by the Applicant’s representatives, such species or sufficient habitat for such species do not appear to be present on the Site.

The amenities proposed herein further enhance the Project’s ability to make appropriate use of the resources available on the Site. Significantly, the addition of a multimodal path on the Site, as well as the funding provided to the Town that will be used towards improvements to the Grand Island Bike Trail, improves an existing resource within the Town and enables greater use that resource by Town residents and visitors. Moreover, these improvements also serve to promote an alternative, low-carbon transportation option for Town residents and employees at the Facility, contributing to the Town’s overall sustainability – a goal that is shared by TC Buffalo’s prospective tenant.

2. *Environmental Quality*

As stated in the Application, there are various potential environmental impacts associated with the Project; however, the Project incorporates various measures to ensure that any such impact is expressly limited or otherwise reduced or mitigated to the greatest extent practicable. Specifically, mitigation measures incorporated into the Project, and based upon feedback from the Town, include: (1) the purchase of the 62 acre West Parcel, with a binding agreement that it provide a permanent conservation area and buffer for residents from the Project; (2) roadway improvements to the area around the Site, including installation and funding of ongoing maintenance of a new traffic signal at the intersection of Long Road and I-190 and construction of a new right turn lane for traffic exiting the I-190 ramp at the Grand Island Blvd./I-190 northbound off-ramp; (3) a 4 megawatt solar system to be placed on the roof of the Project, which will provide renewable energy for the Project, reducing carbon emissions from the Project and contributing to the sustainability of the Town; (4) a possible alternative paint scheme to make the Project more visually appealing; (5) a soundwall and relocation of the Long Road driveway to reduce contributions of driveway movement sound at the Long Road driveway; (6) addition of a multi-modal path along the eastern edge of the Site driveway from Long Road to Bedell Road that will be open for use by the public, and is designed with permeable pavement; (7) the purchase of 0.829 credits from the Ducks Unlimited (DU) In-lieu fee Program - Niagara River service area, the relocation/recreation of approximately 3,220 linear feet of the Feeder Creek, and the creation of approximately 2.33 acres of floodplain wetlands onsite, which will increase the available capacity for flood storage onsite and, in turn, provide potential alleviation of offsite flooding; (8) contribution to the Town’s Infiltration and Inflow contribution program so the Project

will have no net impact on the Town's water treatment system; (9) addition of a NFTA bus stop at the front of the building; (10) a substantial Landscaping plan, which includes 1,400 trees in addition to thousands of shrubs, flowers, grasses and other plantings; (11) creation of a wildlife collection program to safely capture and relocate animals should they end up in neighboring yards due to land clearing activities; and (12) changes to the lighting fixture type and locations to reduce and eliminate the light spillage onto the adjacent residential property and Bedell Road entrance/exit. These mitigation measures are provided in addition to the design elements incorporated into the Project that reduce the Project's environmental impacts. Notably, the Project has been carefully designed to avoid impacts to the wetlands and wetland buffer areas. While impacts to the wetlands could not be avoided completely, such disturbance is minimal and will be done in accordance with a permit from the United States Army Corps of Engineers ("USACE"), including required mitigation. Similarly, disturbance of the water features will be done in a manner that improves existing hydrologic function and maintains existing habitat function. Additionally, the Project features a sound wall, that will reduce noise impacts associated with the Project and Project operations have been devised to avoid air quality impacts by eliminating the idling of vehicles at the Site. The Project also features storm water components that will increase flood storage capacity at the Site and are protective of groundwater. Each of these elements on their own and collectively contribute to reduce the overall impacts associated with the Project.

The amenities proposed herein further reduce potential impacts to the environmental quality in the Town by enhancing and expanding some of the mitigation measures and further offsetting or reducing any potential environmental impacts associated with the Project. For example, the installation of the multimodal path at the Site and the improvements proposed for the Grand Island Bike Trail provide an alternative mode of transportation within the Town, which may decrease traffic and contribute to lowering carbon emissions in the Town. The improvements also serve to increase recreational opportunities for residents in the Town and provide additional opportunity for Town residents to enjoy the Town's natural resources and open space, including that open space retained at the Site and in the West Parcel. Additionally, the funding contribution will help improve the Town's sustainability overall, particularly as TC Buffalo's proposed tenant is uniquely committed to sustainability and desires such funding to be used to fund sustainability initiatives.

3. *Public Facilities*

- **Adequacy of Transportation:** Specifically, with regard to traffic, the Application and Supplements acknowledge that the Project, including the incentives discussed herein, will include new employee and truck traffic; however, as discussed in the Traffic Impact Study ("TIS") completed for the Project, TC Buffalo has completed extensive study and evaluation of various roadways in the Town and concluded that such roadways are able to reasonably accommodate the limited increase in traffic expected as a result of the Project. In particular, the TIS notes that bridge traffic remains below historic levels even with the Project,

when toll barriers were still in place, such that the bridges are capable of handling the Project traffic. Moreover, the amenities proposed herein, particularly the funding for roadway maintenance and improvements, will ensure that additional improvements can be made to the roadways as may be useful to serve the Project. Additionally, the Project promotes alternative transportation, both to and from the Site and within the Town. Specifically, the installation of the multimodal path on the Site and the funding provided for improvements to the Grand Island Bike Trail, promote alternative transportation both for employees at the Facility and Town residents, which may alleviate traffic and reduce roadway impacts. Additionally, TC Buffalo is in discussions with NFTA to add a bus stop on the Site, directly in front of the Facility, making public transportation to and from the Site more convenient, and further encouraging use of alternative transportation within the Town. To mitigate traffic impacts, TC Buffalo proposes to install and pay for ongoing maintenance of a new traffic signal at the intersection of Long Road and I-190, and construct a new right turn lane for traffic exiting the I-190 ramp at the Grand Island Blvd./I-190 northbound off-ramp.

- **Adequacy of Water Supply:** As discussed in the Application and in the Supplements, water supply in the area is adequate to service the Project, including the incentives proposed herein. The Site is currently served by two existing water mains, one on Bedell Road and one on Long Road. The Project will connect to these existing mains, which requires the installation of a new water mains on Bedell and Long Road, 27 fire hydrants, two air release valves, approximately 1,205 feet of water service line, approximately 4,515 feet of fire suppression line, a fire suppression tank, and a water meter vault with backflow preventer. Testing of the existing water infrastructure has revealed some unexpected changes in flow of water in the area around the Site. A booster pump will be required since the pressure falls below the normal working range. The Project includes the installation of two fire suppression tanks, with booster pumps, at the Site to provide adequate flow as necessary for fire safety. Additionally, the amenities proposed herein, particularly as they include funding for infrastructure improvements – specifically water infrastructure improvements – will provide funding necessary to further address any issues that arise with regard to water flow. More broadly, such funding is also available to make any necessary improvements required to provide sufficient water service to the Community Center. Accordingly, the existing water supply, with the addition of the amenities proposed, is adequate to serve the Project.
- **Adequacy of Waste Disposal:** As discussed in the Application and in the Supplements, the Site is located in an existing sewer district, with a pump station located near Long Road, which is connected to a force main that runs along Bedell Road. Sewage from the Facility will be pumped through the force main on Bedell Road and ultimately discharged to the sewer located west of Baseline

Road. TC Buffalo has conducted substantial testing and analysis of the existing sewer infrastructure and such testing has been reviewed by the Town's consultants with the Town's consultant's comments incorporated into the Revised Sanitary Sewer System and Pump Station Engineer's Report as discussed in the Fourth Supplement. Such extensive testing and analysis indicates that it is adequate to service the Project, including the incentives proposed herein. Additionally, it should be noted that the incentives requested herein will not increase waste generation at the Site. To the extent that such incentives seek to increase the height of the Facility, this additional height and square footage is mainly used for storage and to accommodate the robotic field. Accordingly, this increase in the height of the Facility beyond what is normally permitted by the Code will not result in an increase of employees or people in the Facility, the main source of waste, and, therefore, such incentives will not increase the need for waste disposal. As such, the existing waste disposal is adequate to serve the Project, including the incentives and amenities proposed herein. Notably, the Town is under a Consent Decree with the New York State Department of Environmental Conservation because of overflow issues in the Town's water treatment system. In order to mitigate any impacts the Project could have on the Town's system, TC Buffalo will contribute to the Town's Infiltration and Inflow contribution program. Accordingly, the Project would have no net impact on the Town's water treatment system.

With regard to solid waste, the Project will generate 10 tons of solid waste per day during the construction phase of the Project and 123 tons of solid waste per month during the operational phase of the Project. During the both construction and operational phases of the Project, on-site recycling will be provided and privately hauled to a recycling facility, with non-recyclable materials being handled by a private contractor. Accordingly, the Project would have no net impact on the Town's ability to handle solid waste.

- **Adequacy of Fire Protection:** As discussed in the Application, the Facility will be equipped with fire safety apparatus and technology as required by the New York State Fire Code, including enhanced and state-of-the-art fire protection measures. Additionally, the Site is served by the Grand Island Fire Company ("GIFC"), which has three fire stations located in close proximity to the Site. TC Buffalo has worked extensively with GIFC regarding Facility design and fire protection. Although the incentives stand to increase the height of the building, GIFC is trained on scaling up an incident as required, with the assistance of mutual aid from the City of Tonawanda, Town of Tonawanda (six fire companies) and beyond if necessary. Additionally, the Facility has been designed for access by first responders, including GIFC. The Facility will have a fire apparatus access road around the entire building and will have aerial access on one side, which can accommodate the fire equipment. The fire protection system includes safeguards and redundancies in the sprinkler system. The sprinkler system includes two independent water sources, each with its own fire

pump. The reliability is further improved by the installation of two separate fire loops to supply the sprinkler systems and the standpipe systems. One loop will be installed underground outside the building and the second loop will be installed inside the building. Each loop is redundantly fed with separate connections to each water source. Moreover, this facility will utilize two fire suppression tanks, with booster pumps, as the secondary water source to ensure adequate flow is provided for fire safety. With these measures in place, GIFC has stated that is able to service the Project, including the incentives proposed herein.

Consistency with the Comprehensive Plan and Furtherance of its Goals

Town Law § 261-b and Code § 407-20(B) require any incentive zoning proposed to be consistent with the Comprehensive Plan. Additionally, Code § 407-20(B) requires that any incentive zoning be designed to achieve the specific goals identified in the Town's Comprehensive Plan. *See* Code § 407-20(B).

As discussed in great detail in the Application, the Project, including the incentives proposed herein, is consistent with *Bridging the Future: Town of Grand Island 2018 Comprehensive Plan* ("**Comprehensive Plan**") and furthers the goals stated therein. In fact, the Town of Grand Island Long Range Planning Committee ("**LRPC**"), by letter dated June 15, 2020, concluded that the Project "complies with the goals and objectives of the Town of Grand Island Comprehensive Plan." As the advisory board charged with developing a long term strategy for the growth and development of the Town, the LRPC is responsible for, among other things, drafting the Comprehensive Plan. In this role, the LRPC is in the unique position to acutely understand the Comprehensive Plan and can offer unique insight into its interpretation.

Specifically, the LRPC noted that the Comprehensive Plan identified light industrial development as a future need and that any such development should "follow[] sound development practices and [be] sited in existing industrial areas." Following review of the Project, the LRPC concluded that the Project met both criteria. Additionally, the LRPC noted that the Comprehensive Plan specifically identified the Site as a space for future light industrial development, contemplating six separate buildings. Although the Project contemplates a singular building at the Site, the LRPC noted that the Facility has the same aggregate square footage as the six separate buildings. The LRPC further found that the "use of best practices" at the Project will buffer the Facility from the surrounding residential neighborhoods and that the Project provides for certain necessary infrastructure improvements that are in line with what is required by the Comprehensive Plan. Moreover, the LRPC stated that with regard to community and economic development, the Comprehensive Plan highlights the need to identify new business opportunities and promote commercial growth in high traffic activity areas, which will help to conserve green space and utilize existing infrastructure. Specifically as to this component of the Comprehensive Plan, the LRPC found that the Project adequately considered these needs while contemporaneously "minimiz[ing] the impact to the natural environment." Similarly, the LRPC lauded the Project for its "use of

design standards and associated policies that will deter from any negative impact that would affect the unique, small-town, island character that makes the Town of Grand Island so attractive.”

Moreover, the incentives and amenities proposed herein enhance the Project’s compatibility with the Comprehensive Plan. As stated in the Application, the Comprehensive Plan notes various community values that provide a framework for the Town’s future and outline the Town’s goals. Based on these community values, the Comprehensive Plan identifies five goals that provide more specific direction, as well as a foundation for future actions, and serve as a benchmark for measuring success. In furtherance of these goals, the Comprehensive Plan identifies various tasks that are needed, including policies and physical action, to guide the Town to a successful implementation of the Comprehensive Plan. Each of the community values, goals, and tasks are addressed in turn below, along with a discussion of how the incentives and amenities proposed herein serve the community values, goals, and tasks identified in the Comprehensive Plan.

- **Community Values**

1. Natural resources are our biggest asset.

APPLICANT’S RESPONSE: At page 33 of the Comprehensive Plan, the Town’s community value of natural resource conservation is discussed. Specifically, as to this value, the Comprehensive Plan states that the Town seeks to capitalize on its natural assets so that such assets may be used to the Town’s advantage. As noted in the Application, the Project serves this community value in that it balances development with natural resource conservation. In particular, the incentives proposed herein serve to reduce the impacts associated with the Project as they facilitate a Project that is efficiently-scaled, but minimizes the disturbance associated with the Project. For example, the height of the building allows for a facility with sufficient square footage to support Project operations, but on a smaller footprint, reducing the amount of land disturbance required for the Project. Similarly, the diminished parking incentive requested provides adequate parking to meet the needs of the Project, but within a smaller area than is otherwise required to satisfy the Code requirements. Permitting such smaller parking area necessitates less land disturbance than would be required by the Code. Likewise, the lighting incentive requested allows the Project to utilize more efficient lighting and less overall lighting fixtures than if the shorter light fixtures required under the Code were used. As such, the lighting incentive requested both facilitates less overall land disturbance and less overall light spillage onto the neighboring properties. Furthermore the setback incentives requested allow for the installation of the sound barrier that will reduce impacts to neighboring property owners.

Moreover, the Project was otherwise carefully designed to mitigate, avoid, and reduce impacts to the natural resources contained at the Site. Specifically, mitigation measures incorporated into the Project include: (1) the purchase of the 62 acre West Parcel, with a binding agreement that it provide a permanent conservation area and buffer for residents from the Project; (2) roadway improvements to the area around the Site, including installation and ongoing maintenance of a new traffic signal at the intersection of Long Road and I-190; (3) a 4 megawatt solar system to be

placed on the roof of the Project, which will provide renewable energy for the Project, reducing carbon emissions from the Project and contributing to the sustainability of the Town; and (4) a possible alternative paint scheme to make the Project more visually appealing. These mitigation measures are provided in addition to the design elements incorporated into the Project that reduce the Project's environmental impacts. Notably, the Project has been carefully designed to avoid impacts to the wetlands and wetland buffer areas. While impacts to the wetlands could not be avoided completely, such disturbance will be done in accordance with a permit from USACE, including required mitigation. Similarly, disturbance of the water features will be done in a manner that improves existing hydrologic function and maintains existing habitat function. Additionally, the Project features a sound wall, that will reduce noise impacts associated with the Project and Project operations have been devised to avoid air quality impacts by eliminating the idling of vehicles at the Site. The Project also features storm water components that will increase flood storage capacity at the Site and are protective of groundwater. In implementing these mitigation measures and avoidance techniques the Project serves as a careful steward of the Town's natural environment, ensuring that the natural resources are available for residents and visitors to the Town to enjoy.

The amenities proposed herein also promote the community value of natural resource preservation and do so chiefly by contributing to the sustainability of the Project and the Town. Notably, the installation of the multimodal path at the Site and the improvements proposed for the Grand Island Bike Trail provide an alternative mode of transportation within the Town, which may decrease traffic and will contribute to lowering carbon emissions in the Town. The improvements also serve to increase recreational opportunities for residents in the Town and provide additional opportunity for Town residents to enjoy the Town's natural resources and open space, including that open space retained at the Site and in the West Parcel. Additionally, the funding contribution will help improve the Town's sustainability overall, particularly as TC Buffalo's proposed tenant is uniquely committed to sustainability and desires such funding to be used to fund sustainability initiatives. By taking these steps to improve the sustainability of the Project, TC Buffalo manages to reduce the overall impact of the Project such that the impact is not as large as it might ordinarily be for a project of this size and scope. More aptly, though, these sustainability measures protect the Town's unique natural resources and ensure their longevity.

2. We are a unique island community.

APPLICANT'S RESPONSE: At page 33 of the Comprehensive Plan, the Town's community value of its identity as a unique island community is discussed. Specifically, this community value focuses on the way of life in the Town, which it notes is distinctive from the way of life on the mainland and is characterized by a rural feeling and compact neighborhood communities. The incentives requested herein serve this goal in they reduce the overall impact of the Project. Although the Project is large in size and scope, the incentives requested serve to facilitate a Project that is efficiently-scaled and minimizes the disturbance associated with the Project. For example, the height of the building allows for a facility with sufficient square footage to support Project operations, but on a smaller footprint, reducing the amount of land disturbance required for the Project. Similarly, the diminished parking incentive requested provides adequate parking to meet the needs of the Project, but within a smaller area than is otherwise required to satisfy the Code requirements. Permitting such smaller parking area necessitates less land disturbance than would be required by the Code. Likewise, the lighting incentive requested allows the Project to utilize

more efficient lighting and less overall lighting fixtures than if the shorter light fixtures required under the Code were used. As such, the lighting incentive requested both facilitates less overall land disturbance and less overall light spillage onto the neighboring properties. Furthermore the setback incentives requested allow for the installation of the sound barrier that will reduce impacts to neighboring property owners.

Additionally, the Project has been carefully designed to fit in with the Town and it has been designed in harmony with the small town, residential feel that makes the Town unique. Specifically, the Project incorporates design elements aimed at reducing the visual impact of the Facility and maintaining the Town's unique aesthetic appeal. For example, the Project is well-situated on a large plot of land and incorporates screening and other landscape features that obscure the building and enhance the appearance of the Site. With these measures in place, the Project will be chiefly visible along the New York State Thruway, where visual sensitivity is lowest. At the same time, the Project's location immediately adjacent to I-190 means that potential impacts from truck traffic associated with the Project will be minimized. This enables the Project to provide for economic development in the area, without disrupting the Town's unique lifestyle offerings.

The amenities proposed herein further promote the community value of maintaining the Town's identity as a unique island community in that the amenities proposed are designed to enhance some of the elements of life in the Town that are most enjoyable for Town residents. For example, one of the things that is noted throughout the Comprehensive Plan as a positive aspect of life in the Town are the Town's natural resources. The amenities proposed herein serve to conserve and enhance such resources by installing a multimodal path on the Site and providing funding for improvements to the Grand Island Bike Trail. These amenities thus contribute to the overall sustainability of the Town by providing for an alternative, low-carbon transportation option. Additionally, these amenities provide an additional outdoor recreational opportunity where Town residents can go to enjoy the Town's natural resources. Another example of something that is lauded in the Comprehensive Plan as an aspect of life in the Town that is particularly enjoyable, is the small town community neighborhood atmosphere. The funding provided for the Community Center, thus, serves to enhance the friendly neighborhood atmosphere in the Town in that it provides for a community gathering space where neighbors can come together to socialize and participate in Town life.

3. We're more than just a pass through.

APPLICANT'S RESPONSE: At page 34 of the Comprehensive Plan, the Town's community value of making the Town a destination is discussed. Specifically, this community value seeks to take advantage of the Town's proximity to I-190 and get travelers on I-190 "to stop, take a look around and spend more time enjoying the amenities that the Island has to offer." As noted in the Application, the Project, including the incentives proposed herein, will serve as a destination in the Town, drawing vendors, truck drivers, and employees working at the facility from I-190 into the Town to eat, conduct business, and socialize. The incentives requested herein are essential to accomplishing this in that the size and scale of the Project is a critical component of its operations and efficiencies, which the Project cannot function without. Thus the Project, including the incentives requested herein, is uniquely aligned with this community value in that it offers a way

to accomplish precisely what the Town has identified as its intention with regard to this community value.

The amenities proposed herein further serve to cultivate the Town as a destination rather than a pass through in that the proposed installation of the multimodal path and improvements to the Grand Island Bike Trail enhance and expand an existing recreational/ecotourism opportunity in the Town that will draw visitors to the Town. Additionally, the new Community Center, which will be funded through payments from TC Buffalo, will provide a new gathering space in the community that will not only draw visitors to the Town, but also serve as a signal of the Town's vibrancy and unique community. Similarly, the funding for new infrastructure will enable improvements in the Town.

4. Gateways make the first impression.

APPLICANT'S RESPONSE: At page 34 of the Comprehensive Plan, the Town's community value of providing welcoming gateways to the community is discussed. Specifically, this community value notes that I-190 "is the main avenue for bringing people in, ensuring that these gateways and the corridors leading from them into the Town Center are inviting and enticing." As noted in the Application, the Project, including the incentives proposed herein, is a modern, state-of-the-art building, designed to be aesthetically pleasing. Although the Project is large in scale, which is accomplished through the incentives requested herein, its size is critical to its efficiencies and operations such that a scaled-down version of the Project is not feasible. Cognizant of the size of the Project, TC Buffalo has carefully designed the Project to reduce visual impacts from the Project. For instance the Project is strategically sited on a large plot of land and incorporates screening and other landscape features that obscure the building and enhance the appearance of the Site. The significant landscaping provided around the Facility makes the Facility welcoming and attractive to passerby, which will signal to travelers on the I-190, employees at the Facility, and truck drivers servicing the Facility that the Town is an excellent place to live and work. Additionally, the Project is specifically located in close proximity to I-190 so that it is chiefly visible in an area where visual sensitivity is lowest. TC Buffalo acknowledges that the Facility is visible from I-190, but posits that the Facility portrays to people travelling on the I-190 that the Town is an important part of the Western New York economy and commercial development in the region.

The amenities proposed herein further serve to enhance the Town's gateways and its ability to make a first impression in that the amenities provide funding for several projects that will enhance the appearance of the community, signaling that the Town is an excellent place to live and work. For instance the funding provided for infrastructure improvements will enable the Town to take on new infrastructure projects and invest in projects that will serve to improve the aesthetics of the Town. Likewise the funding that TC Buffalo will make available for the new Community Center will serve as a signal of the Town's vibrancy and pride in its community, further evidencing that the Town is an excellent place to live, work and even visit.

5. We desire a true town center.

APPLICANT'S RESPONSE: At page 34 of the Comprehensive Plan, the Town's community value of desiring a true town center is discussed. Specifically, this community value notes that I-

190 “[r]esidents of the Town desire a true Town Center – a walkable, active environment with a mix of uses, public spaces, and development style that is as unique as the Island itself.” To this end, it should be noted that the Project is located a few miles to the northwest of the intersection between Grand Island Boulevard and Whitehaven Road, which serves as the Town center, where most commercial and civic activity in the Town takes place. Given the Project’s close proximity to this area, it will necessarily help to enhance existing commercial development in that area and create a Town Center. As noted in the Application, the Project, including the incentives proposed herein, includes a modern, state-of-the-art Facility that identifies the Town as forward-looking and signals that the Town plays an important role in the Western New York economy. Although the Facility is large in size, accomplished through the incentives requested herein, this size and modern appearance are what make it unique, in line with what the Town desires for its Town Center.

The amenities proposed herein further serve the Town’s community value of desiring a true Town Center in that the amenities proposed include funding for improvements that directly serve this community value. For example, the funding for the improvements to the Grand Island Bike Trail provides a multimodal transportation option for Town residents and serves as an outdoor recreational opportunity that is in line with the Town’s desire for a Town Center that is both walkable, active, and allows for a mix of uses. Additionally, the funding provided for the Community Center will create an area where the community can gather, and may serve the purpose of the true Town Center desired by the Town.

6. Establish a more prominent identity.

APPLICANT’S RESPONSE: At page 34 of the Comprehensive Plan, the Town’s community value to establish a more prominent identity is discussed. Specifically, this community value laments the generic look of the Town and calls for “[g]reater investments in the gateways, marketing the assets of the Town and establishing a cohesive identity or theme throughout the community that can elevate the presence of the Town to travelers.” As noted in the Application, the Project, including the incentives proposed herein, is a large-scale, unique, innovative and modern facility. In particular, the Project’s scope, size, and attractive facade, make it distinctive so that it will be a notable feature not only in the Town, but in the region as well. The incentives requested herein, without which the Project is not feasible, are essential aspects of what makes the Project distinctive thus enabling the Project to serve this community value.

The amenities proposed herein further serve to cultivate a more prominent identity for the Town in multiple ways. For one, the funding provided to improve the Grand Island Bike Trail expands an existing resource within the Town, improving the recreational opportunities it provides and providing a unique destination for ecotourism, as specifically contemplated by the Comprehensive Plan, to enjoy the Town’s unique natural beauty. Secondly, the funding provided for the Community Center, facilitates the construction of an important community gathering space that signals that the Town is an excellent place to live and work. The construction and operation of the Community Center, which is an overall attractive addition to the Community, may serve to set the Town apart from neighboring municipalities and provides the Town with an opportunity to cultivate the identity or theme desired by the Town. Such Community Center is also distinctive in that it will be a brand new facility that will stand out and elevate the stature of the Town as one that is vibrant and provides superior services for its residents. Finally, inasmuch as the amenities proposed herein also permit the Town to invest in additional infrastructure, the amenities provide

an additional opportunity for the Town to pursue various projects that make it an enjoyable place to live and work.

7. Future lies in diversity.

APPLICANT'S RESPONSE: At page 35 of the Comprehensive Plan, the Town's community value of diversity is discussed. Specifically, this community value notes that the Town desires increased social and economic diversity. As noted in the Application, the Project, including the incentives proposed herein, stands to revitalize a currently vacant parcel of land that is targeted in the Comprehensive Plan for development. From this vacant piece of land the Project will create an important commercial center, thus diversifying the land uses in the Town and creating an opportunity for commerce in an area targeted for industrial development. Additionally, the Project will create 1000 new jobs, strengthening the economic diversity of the Town, through job creation, consumer spending, and expansion of the tax base. Although the Project is large in scale, its size is critical to its operations and efficiencies, such that the Project is not feasible on a smaller scale. Moreover, as a very large project, it differs from existing development in the Town and thus represents increased diversity in terms of both economics and land use.

The amenities proposed herein further serve the Town's diversity goals by providing for various initiatives that will promote economic and social diversity in the Town. Specifically, the improvements to the Grand Island Bike Trail will expand an existing recreational resource in the Town providing a space for all town residents to enjoy the natural beauty of the Town. Such resource is likely attractive to wide variety of people and thus will draw and be used by a diverse population. Likewise, the funding provided for the Community Center, will create a gathering space that will also bring together diverse groups, facilitating the type of social and economic diversity desired by the Town.

- **Community Goals**

1. Natural Resources - The Comprehensive Plan states that this goal is to "[s]upport the preservation of Grand Island's many natural resources due to their contribution to the overall character of the Island as well as the numerous economic opportunities they can provide."

APPLICANT'S RESPONSE: As discussed at page 36 and 37 of the Comprehensive Plan, the Town has identified a number of objectives that serve this community goal. As noted in the Application, the Project, including the incentives and amenities proposed herein, serves this goal by accomplishing a number of the objectives described thereunder. For example, on page 37 of the Comprehensive Plan, one of the objectives listed in furtherance of this goal is to adopt environmental practices and policies that promote conservation of birds, wildlife and wildlife habitat. To this end, the incentives proposed herein serve to reduce the overall environmental impact of the Project and, in particular, serve to reduce the disturbance associated with the Project. As discussed in the Application and Supplements, the height incentive requested provides for a facility with sufficient square footage to support Project operations, but on a smaller footprint, reducing the amount of land disturbance required for the Project. Similarly, the diminished parking incentive requested provides adequate parking to meet the needs of the Project, but within

a smaller area than is otherwise required to satisfy the Code requirements. Permitting such smaller parking area necessitates less land disturbance than would be required by the Code. Likewise, the lighting incentive requested allows the Project to utilize more efficient lighting and less overall lighting fixtures than if the shorter light fixtures required under the Code were used. As such, the lighting incentive requested both facilitates less overall land disturbance and less overall light spillage onto neighboring wildlife habitat. Additionally, on page 36 of the Comprehensive Plan, one of the objectives listed in furtherance of this goal encourages the Town to capitalize on its natural resources by promoting opportunities for ecotourism. In this regard, the amenities proposed herein serve this goal by providing funding for improvements to the Grand Island Bike Trail. Such funding will allow for the expansion and improvement of this existing resource, making it enticing to visitors and cultivating the ecotourism on the Island. The improvements to the Grand Island Bike Trail will also serve the objective listed on page 37 of the Comprehensive Plan that calls for encouraging trails and other public access to non-residential development that contains natural resources. Particularly, this funding for Grand Island Bike Trail provides multimodal access to various undeveloped areas of natural beauty in the Town, including the West Parcel, which will remain in its natural state as part of the Project. Finally, it should also be noted that the amenities proposed also serve the natural resource goals identified in the Comprehensive Plan. Specifically, one of the objectives identified under the natural resource goals on page 37 of the Comprehensive Plan calls for the promotion of "efforts that recognize the importance of environmental sustainability." As discussed above, sustainability is an important aspect of this project and TC Buffalo desires that its funding for infrastructure projects be put towards projects with some sustainability aspect of the Project

2. Economic Development - The Comprehensive Plan states that this goal is to "[m]aintain a strong and diverse economy that capitalizes on the existing assets of the community (build and natural), provides a business environment that retains and attracts new ventures, and complements the 'Island Character' that is unique to Grand Island."

APPLICANT'S RESPONSE: *The Town's economic development goals are discussed at page 37 and 38 of the Comprehensive Plan, including identification of various objectives that, as relevant here, encourage well-planned development and high-quality design. As noted in the Application, the Project, including the incentives proposed herein, serves the economic development goals identified by the Town in that it makes productive use of an otherwise vacant parcel and does so in the precise way contemplated by the Comprehensive Plan. Specifically, the Project is a light industrial use, which is specifically what the Code calls for at the Site and what the Comprehensive Plan states is desired at the Site. Moreover, the design of the Project features a modern, attractive façade, with artful landscaping, appropriate lighting, and tasteful signage, contributing to the aesthetic value of the Project and making the Project exactly the sort of well-designed development project contemplated by the Comprehensive Plan. Additionally, the Project makes use of an area that is already well suited for development in that it is served by existing infrastructure that is sufficient to accommodate the Project. Thus, the Project makes productive use of the Site and does so in an economical way by utilizing existing resources at the Site to support development.*

The amenities proposed herein further serve the economic development goals identified in the Comprehensive Plan in that each of the amenities offered is designed to reduce the overall impact of the Project, enabling economic development in the Town, but ensuring that such development

is done in a way that is responsible, sustainable and appropriate for the Town. In this regard, the proposed the improvements to and expansion of the Grand Island Bike Trail improve upon an existing resource that provides Town residents and visitors with an opportunity to enjoy the Town's natural beauty. Furthermore, the funding proposed for the Community Center and infrastructure improvements will also serve the Town's economic goals in that these amenities provide or development projects that will serve the overall wellbeing of the Town.

3. Transportation and Accessibility - The Comprehensive Plan, at page 38 states that this goal is to “[p]rovide a safe and reliable multi-modal transportation system that balances the movement of people and goods through and within Grand Island, seeks to minimize congestion, supports economic development, and is visually engaging to users.”

APPLICANT'S RESPONSE: As noted in the Application, the Project, including the incentives proposed herein, primarily serves the transportation and accessibility goals identified in the Comprehensive Plan in two ways. First, the Comprehensive Plan at page 39 states that one of the objectives under this goal is to ensure the adequacy of existing roadways. To this end, traffic impacts associated with the Project have been studied extensively by TC Buffalo, its consultants and the Town's consultants. Although some traffic impacts are anticipated as a result of the Project, the TIS notes that bridge traffic remains below historic levels even with the Project, when toll barriers were still in place, such that the bridges are capable of handling any increase in traffic that may result from the Project. Moreover, the amenities proposed herein, particularly the funding for roadway maintenance and improvements will ensure that additional improvements can be made to the roadways as may be useful to serve the Project. Further, the Project promotes alternative transportation, both to and from the Site and within the Town. Specifically, the installation of the multimodal path on the Site and the funding provided for improvements to the Grand Island Bike Trail, promote alternative transportation both for employees at the Facility and Town residents, which may alleviate traffic and reduce roadway impacts. Additionally, TC Buffalo is in discussions with NFTA to add a bus stop on the Site, making public transportation to and from the Site more convenient, and further encouraging use of alternative transportation within the Town. Second, the Comprehensive Plan at page 38 calls for “greater walkability” within the Town and similarly at page 39 of the Comprehensive Plan contemplates the installation of a trail system that links neighborhoods throughout the Town. In furtherance of these objectives the amenities proposed herein provide funding for improvements to the Grand Island Bike Trail System and infrastructure improvements, both of which may result in the installation of projects that provide for the safe circulation of pedestrians in and around the Town.

4. Community and Social Capital - The Comprehensive Plan, at page 39 of the Comprehensive Plan, states that this goal is to “[p]rovide facilities and services that meet the physical, social, and cultural needs of Grand Island residents, build community, and provides an attractive and inviting environment for current and future residents.”

APPLICANT'S RESPONSE: As noted in the Application, the Project, including the incentives proposed herein, serves the community and social capital goals identified by the Town by providing

for development of the Site. The Project will result in substantial economic benefits associated with development, including a significant increase in tax revenue and substantial job creation, along with the proposed amenities, while still preserving the natural beauty and small town, residential feel that makes the Town an excellent place to live and work.

The amenities proposed herein serve the community and social capital goals identified by the Town in that the amenities expressly serve several objectives specifically developed in furtherance of the Town's Community and Social Capital Goals. One such objective included at page 39 of the Comprehensive Plan seeks to encourage the participation and engagement of local residents, businesses, community groups, and key organizations in activities of the Town. This objective is most directly served by the amenity that provides funding for a new Community Center in the Town. In this regard, the Community Center will serve as a gathering space where people can socialize and become more involved in the civic life of the Town as discussed in the Comprehensive Plan. Another objective listed in furtherance of this goal is the maintenance and expansion of existing infrastructure, discussed at page 40 of the Comprehensive Plan. This objective is directly served by the amenities proposed herein in that it provides direct funding for infrastructure improvements, contributing to the overall maintenance of existing infrastructure and expansion thereof as desired by the Comprehensive Plan. A third objective listed in furtherance of this goal is the improvement of the delivery of government services, discussed at page 40 of the Comprehensive Plan. The amenities proposed herein directly serve this objective in that they provide for funding of infrastructure improvements and such funding can be used to improve distribution of services in the Town.

5. Neighborhoods and Housing - The Comprehensive Plan states that this goal is to "[s]upport residential growth that provides a variety of housing choices, styles and types while continuing to maintain the unique 'Island Character' especially within existing neighborhoods."

APPLICANT'S RESPONSE: As noted in the Application, the Project, including the incentives proposed herein, incidentally serves the Neighborhoods and Housing goals identified by the Town in that the economic and financial benefits associated with the project, particularly the job creation aspect of the Project, may enable more residents of the Town to enter the housing market.

The amenities proposed herein do not directly impact the Neighborhoods and Housing Goal, but have incidental benefits on Neighborhoods and Housing in that the incentives offer various improvements to the Town, including conservation of the West Parcel and improvements to the Grand Island Bike Trail, that make the Town a more desirable place to live.

- **Community Tasks**

1. Future land use and design.

APPLICANT'S RESPONSE: As noted in the Application, the Project, including the incentives proposed herein, serves the future land use and design tasks identified by the Town at page 42 through 51 of the Comprehensive Plan in that it provides for development of the Site in precisely the manner contemplated by the Comprehensive Plan. Development of the Project is not feasibly

without the incentives. Specifically, the Comprehensive Plan at page 65 identifies the Site as a prime area for industrial development and notes the Town's desire to bring a light industrial use to the Town. The Project achieves this task as it is a light industrial use ideally suited for the Site.

The amenities proposed herein further help to achieve the future land use and design tasks identified in the Comprehensive Plan, in that the Comprehensive Plan, on page 42, specifically calls for focus on development of a true Town Center that balances rural character with more concentrated development. The amenities proposed herein allow the Project to accomplish both, providing for an area of concentrated development at the Site, along with funding for amenities such as a Community Center and infrastructure improvements that are aligned with the Town's small town residential character.

2. Action plan.

APPLICANT'S RESPONSE: One of the Action Plan items noted at page 56 of the Comprehensive Plan requests that the Town Board "[d]evelop a plan for a [C]ommunity [C]enter in Grand Island that caters to the needs of all age groups, providing high-quality flexible space in a central area that is accessible to the greatest number of residents." The Comprehensive Plan lists this action item as an action item that it desires to accomplish between 2023 and 2028. The amenities proposed herein specifically enable the realization of this Action Plan item by making funding available to the Town for the development of just such a Community Center. In fact, the amenities proposed herein even allow for such Action Plan item to be accomplished ahead of the timeframe outlined in the Comprehensive Plan. As the Comprehensive Plan recognizes, the development of a Community Center in the Town is an attractive feature for residents, providing a gathering space and hub for civic life in the Town.

3. Key initiatives and projects.

APPLICANT'S RESPONSE: As noted in the Application, the Project, including the incentives proposed herein, serves the key initiatives and projects tasks identified by the Town as it brings to fruition the Town's conceptual plans for the Site. In this regard the Comprehensive Plan at page 65 includes a concept design for an industrial complex at the Site comprised of six light industrial use buildings. At the Long Range Planning Committee noted, the Project implements the concept design contained in the Comprehensive Plan, but does so in one building, rather than six. Notably, the Project is able to accomplish the same scale Project as that suggested in the Comprehensive Plan, but with a smaller footprint. For example, the height of the building allows for a facility with sufficient square footage to support Project operations, much like the Project contemplated for the Site in the Comprehensive Plan, but by building up instead of out, the Project reduces the amount of land disturbance required for the Project. Thus, through careful design of the Project and strategic use of the incentives requested herein, the Project is able to achieve the kind of Project called for by the Comprehensive Plan, but in a more sustainable and environmentally friendly way. Additionally, the amenities proposed herein enhance the value of the Project beyond what is contemplated by the Comprehensive Plan. In this regard, the amenities proposed herein cultivate substantial benefits for the Town and balance development with other desirable projects that might not otherwise be economically feasible.

4. Implementation strategies.

APPLICANT'S RESPONSE: As noted in the Application, the Project, including the incentives proposed herein, does not directly serve the implementation strategies tasks identified by the Town because these tasks are directed at the Town's various agencies. The Project does, however, indirectly serve the implementation strategies tasks identified by the Town because it serves the Town's overall goals and furthers a multitude of objectives.

Similarly, the amenities proposed herein also help to indirectly achieve the implementation strategies tasks identified by the Town because, as discussed extensively herein, the amenities are also consistent with the Town's goals and objectives.