

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

Office of the Supervisor
Lee S. Wallace

March 10, 2022

Re: The Town of Niagara Town Board's (the "**Town Board**") Notice of Coordinated Review and Intent to Act as Lead Agency pursuant to and in accordance with Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended, the State Environmental Quality Review Act and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation, being 6 N.Y.C.R.R. Part 617, as amended (collectively, "**SEQRA**").

Dear Potentially Interested and Involved Agencies:

JB2 Partners, LLC ("**JB2**") has submitted an application to the Town Board for site plan approval and area variance ("**Application**") to facilitate the proposed development of approximately 216 acres of land located at 8995 Lockport Road (SBL: 132.18-1-2; 146.05-1-9; 146.06-1-1; 146.06-1-2) ("**Site**"), in the Town of Niagara ("**Town**"), New York, for use as an e-commerce storage and distribution facility for consumer products ("**Facility**"), by a single prospective tenant ("**Project**"). The Facility has a footprint of approximately 650,000 square feet, and will consist of five stories, for a total floor area of approximately 3,075,950 square feet.

Under the Town of Niagara Zoning Code (the "**Code**"), the Site is located in the Heavy Industrial District ("**HI**"), which authorizes a storage and distribution facility as a permitted use, and is established to "provide[] areas within the Town of Niagara for a more extensive industrial use." The Site has been long-targeted for development and is designated a Build-Now NY Shovel Ready Certified Site by Empire State Development—a designation the Site has held since 2012.

For your reference, we enclose herewith the following documentation:

Exhibit A: Notice of Intent to Act as Lead Agency

Exhibit B: List of Potentially Interested and Involved Agencies

Exhibit C: Acknowledgement of Town Board Notice of Intent to act as Lead Agency to Conduct a Coordinated Review Pursuant to SEQRA

Exhibit D: Project Application (separately bound)

Please also reference within **Exhibit D** the February 15, 2022 Application, including the Project application forms (see Exhibit 7 annexed thereto) including Part 1 of the Full Environmental Assessment Form (see Exhibit 11 annexed thereto) and an Analysis of Environmental Impacts Pursuant to SEQRA (see Exhibit 12 annexed thereto) and other supporting documentation.

The Town Board desires to act as lead agency for this Type I Action pursuant to and in accordance with SEQRA. Accordingly, the Town Board is providing your agency, board, or department, with its Notice of Intent to Act as Lead Agency for the Project, attached as **Exhibit A**. All potentially interested and involved agencies are listed on the attached **Exhibit B**.

Under SEQRA, involved agencies have thirty (30) days to contest the Town Board's role as lead agency as well as to provide all comments and feedback relating to the Project. We request that your agency accept and approve the designation of the Town Board as lead agency for the Project by signing the enclosed "Acknowledgement of Town of Niagara Town Board to Act as Lead Agency and Conduct a Coordinated Review Pursuant to SEQRA" form, attached as **Exhibit D**.

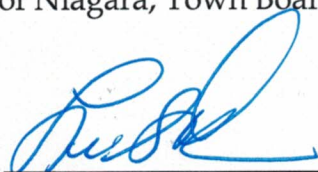
At your earliest convenience, please return the form as well as any feedback on the Project to the Town Board via fax (716-297-9262), via mail (7105 Lockport Road, Niagara Falls, NY 14305) or via e-mail (info@townofniagara.com).

Any involved agency that does not respond within 30 days of the date that this lead agency packet was transmitted will be deemed to have consented to the Town Board acting as lead agency for the coordinated environmental review, pursuant to and in accordance with SEQRA, for the Project.

Very truly yours,

Town of Niagara, Town Board

By:



Lee Wallace
Town Supervisor

EXHIBIT A

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT NOTICE OF COORDINATED REVIEW AND DECLARATION OF INTENT TO ACT AS LEAD AGENCY

This notice is issued by the Town Board of the Town of Niagara (the “**Town Board**”), pursuant to and in accordance with Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended the State Environmental Quality Review Act and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation, being 6 N.Y.C.R.R. Part 617, as amended (collectively “**SEQRA**”).

Project Name: JB2 Partners, LLC - Storage and Distribution Facility

Location: 8995 Lockport Road, Town of Niagara, NY 14304

Classification: Type I: XX Unlisted: ____

Project Description:

JB2 Partners, LLC (“**JB2**”) has submitted an application to the Town Board for site plan approval and area variance (“**Application**”) to facilitate the proposed development of approximately 216 acres of land located at 8995 Lockport Road (SBL: 132.18-1-2; 146.05-1-9; 146.06-1-1; 146.06-1-2) (“**Site**”), in the Town of Niagara (“**Town**”), New York, for use as an e-commerce storage and distribution facility for consumer products (“**Facility**”), by a single prospective tenant (“**Project**”). The Facility has a footprint of approximately 650,000 square feet, and will consist of five stories, for a total floor area of approximately 3,075,950 square feet.

Under the Town of Niagara Zoning Code (the “**Code**”), the Site is located in the Heavy Industrial District (“**HI**”), which authorizes a storage and distribution facility as a permitted use, and is established to “provide[] areas within the Town of Niagara for a more extensive industrial use.” The Site has been long-targeted for development and is designated a Build-Now NY Shovel Ready Certified Site by Empire State Development—a designation the Site has held since 2012.

Notice Details:

The Project may require discretionary approvals from: Town of Niagara Town Board, Town of Niagara Planning Board, Town of Niagara Zoning Board of Appeals, Town of Niagara Highway Superintendent, Town of Niagara Active Hose Company Incorporated, Wheatfield School District, Niagara County Department of Public Works Division of Highways, Bridges & Structures, Niagara County Health Department, Environmental Health Division, Niagara County Center for Economic Development, Niagara County Sheriff’s Department, Niagara County Planning

Board, Niagara County Executive's Office, New York State Department of Environmental Conservation, Region 9, New York State Department of Transportation, New York State Thruway Authority, Buffalo Division, New York State Department of State, New York State Department of Health, New York State Office of Parks, Recreation and Historic Preservation, New York Power Authority, Empire State Development Corporation, US Army Corps of Engineers, US Fish and Wildlife Service, US Environmental Protection Agency.

Action Requested:

Under SEQRA, involved agencies have thirty (30) days from the date the lead agency package was transmitted to contest the Town Board's role as lead agency. We request that your agency accept and approve the designation of the Town Board as lead agency for the Project by signing the "Acknowledgment of the Town Board of Niagara (the "Town Board") to Act as Lead Agency to Conduct a Coordinated Review Pursuant to the New York State Environmental Quality Review Act" form that the Town Board sent to your agency. The form may be directed to the Town Board via fax (716-297-9262), via mail (7105 Lockport Road, Niagara Falls, NY 14305), or via e-mail (info@townofniagara.com). Any involved agency that does not respond within 30 days of the date that the lead agency package was transmitted will be deemed to have consented to the Town Board acting as lead agency for the coordinated environmental review, pursuant to and in accordance with SEQRA, for the Project.

For Further Information Contact:

Charles Haseley
7105 Lockport Road
Niagara Falls, New York 14305
Phone: (716) 297-2150
Email: chaseley@townofniagara.com

EXHIBIT B

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

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

6311 Inducon Corporate Drive
Samuel M. Ferraro Center, Suite One
Sanborn, New York 14132

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

17. New York State Department of Environmental Conservation, Region 9
c/o Mr. David Denk, Regional Permit Administrator
270 Michigan Avenue
Buffalo, New York 14203-2999
18. New York State Thruway Authority, Buffalo Division
Division Permit Coordinator
455 Cayuga Road, Suite 800
19. New York State Department of Transportation
Region 5 – SEQR/Planning
c/o Francis P. Cirillo, Director
100 Seneca Street
Buffalo, New York 14203
20. New York State Department of State
Attn: Andrew Hvisdak
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001
21. New York State Office of Parks, Recreation and Historic Preservation
c/o Ms. Josalyn Ferguson
625 Broadway
Albany, New York 12207
22. New York Department of Agriculture and Markets
c/o Richard Ball
10B Airline Drive
Albany, NY 12235
23. New York Power Authority
123 Main Street
Corporate Communications
Mail Stop 10B
White Plains, New York 10601
24. Niagara Falls Air Reserve Station¹

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

Attn: Kimberly Powell
10405 Lockport Road
Niagara Falls, NY 14304

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

EXHIBIT C

To: All Involved Agencies

March 7, 2022

**Acknowledgment of the Town of Niagara Town Board (the "Town Board")
to Act as Lead Agency to Conduct a Coordinated Review Pursuant to the
New York State Environmental Quality Review Act**

Project: JB2 Partners, LLC - Storage and Distribution Facility

Location: 8995 Lockport Road, see location map in attached Full Environmental Assessment Form.

The _____ consents to the designation of the Town Board as the lead agency for the above referenced project.

Name/Title of Agency Representative	Agency	Date
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This notice has been provided to the following Potentially Interested and Involved Agencies:

1. Town of Niagara Town Board
2. Town of Niagara Planning Board
3. Town of Niagara Zoning Board of Appeals
4. Town of Niagara Building Inspector
5. Town of Niagara Town Engineer
6. Town of Niagara Active Hose Company Incorporated
7. Town of Niagara Fire Inspector
8. Niagara-Wheatfield Central School District
9. Niagara County Center for Economic Development
10. Niagara County Sewer District
11. Niagara County Health Department
12. Niagara County Department of Public Works, Division of Highways, Bridges & Structures
13. Niagara County Water District
14. Niagara County Industrial Development Agency
15. Niagara County Planning Board
16. Niagara County Manager
17. New York State Department of Environmental Conservation, Region 9
18. New York State Thruway Authority, Buffalo Division
19. New York State Department of Transportation
20. New York State Department of State
21. New York State Office of Parks, Recreation and Historic Preservation
22. New York Department of Agriculture and Markets

23. New York Power Authority
24. Niagara Falls Air Reserve Station
25. Empire State Development Corporation
26. United States Army Corps of Engineers, Buffalo District
27. United States Environmental Protection Agency
28. United States Fish and Wildlife

EXHIBIT D

Project Application dated February 15, 2022

(3 volumes - separately bound)