

# STATE OF NEW YORK

## LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

*BUFFALO, N.Y., January 19, 2023*

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, that at the *2nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 19th day of January, 2023 A.D., a Resolution was adopted, of which the following is a true copy:*

WHEREAS, the County of Erie ("County"), through its legislative body, the Erie County Legislature ("Legislature") is currently evaluating: (1) the conveyance of certain portions of land located in the Town of Orchard Park (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10) to the Erie County Stadium Corporation ("ECSC") and the subsequent lease of the sold parcels by ECSC to Buffalo Bills, LLC, Western New York's National Football League franchise team (together, with its stadium affiliate, the "Team"); (2) the construction of a new stadium to replace the existing Highmark Stadium ("New Stadium"); (3) the demolition of Highmark Stadium ("Existing Stadium") on the east side of Abbott Road between Big Tree Road and Southwestern Boulevard; and (4) the continued operation of the Team's complex (collectively, the "Project" or "Action"); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation ("NYSDEC"), being 6 NYCRR Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the County must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, on July 1, 2022, the Legislature transmitted to all potentially Interested and Involved Agencies (as those terms are defined pursuant to SEQRA) a notice of the Legislature's intent to act as Lead Agency for the review of the Project (together with a completed Part 1 of the Full Environmental Assessment Form), as that term is defined pursuant to SEQRA; and

WHEREAS, on July 14, 2022, a public scoping meeting was held to garner public input on the scope of the SEQRA review of the Project, with public comments accepted following the public scoping meeting; and

WHEREAS, no other potentially Involved Agencies objected to the Legislature's declaration of its notice of intent to serve as Lead Agency, such that the Legislature became the Lead Agency as of August 1, 2022; and

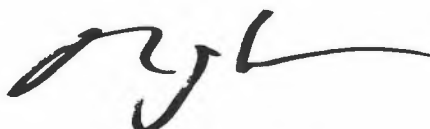
WHEREAS, on October 14, 2022, extensive environmental analysis including a detailed technical addendum to Part I of the Full environmental Assessment Form ("TA") along with associated supporting studies in addition to responses to all public scoping comment responses received, as well as the draft Environmental Assessment Form Parts II and III were made publicly available for review and comment, with notice sent to all Potentially Interested and Involved Agencies; and

WHEREAS, on October 27, 2022, a public hearing was held at the Orchard Park Community Activity Center to garner public input on the environmental analysis, Technical Addendum, and documentation completed to date; and

WHEREAS, public comments on Part 1 of the Full Environmental Assessment Form and the environmental analysis were collected from October 14, 2022 until November 2, 2022; and

WHEREAS, to aid the Legislature in determining whether the Project may have a significant adverse impact upon the environment, the Legislature has received, or reviewed:

ATTEST



ROBERT M. GRABER

*Clerk of the Legislature of Erie County*

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- 1) A Full Environmental Assessment Form, Part 1 ("FEAF")
- 2) A Technical Addendum to the FEAF ("TA"), the appendices to which are listed separately herein;
- 3) Project Plans
- 4) Lead Agency Notice;
- 5) Summary of Sustainable Design Elements;
- 6) Public Scoping Comments and Responses;
- 7) Alternatives Analysis;
- 8) Lighting Design Narrative;
- 9) Geotechnical Engineering Assessment Report;
- 10) Ecological Review;
- 11) Phase 1 Environmental Site Assessment;
- 12) Preliminary Stormwater Pollution Prevention Plan ("SWPPP");
- 13) Final Phase 1A Archaeological Investigation and Consultation Correspondence;
- 14) Water and Sanitary Sewer Report;
- 15) Electrical Demand Narrative;
- 16) WJHW Environmental Sound Study;
- 17) GHD Noise Impact Study;
- 18) Traffic Management Plan ("TMP");
- 19) Traffic Assessment;
- 20) Demolition Mitigation Plan ("DMP");
- 21) Viewshed Analysis;
- 22) Photosimulations;
- 23) Historic Survey;
- 24) TA Public Comments and Responses;
- 25) Final Letter of Resolution;
- 26) New Stadium Rendering;
- 27) Revised Part 2 and 3 of the Full Environmental Assessment Form;
- 28) Responses to NYSDOT Comments;
- 29) Progress Report for Phase 1A/Partial Phase 1B;
- 30) Traffic Management Plan - Version 2.0 and
- 31) other relevant environmental information (collectively, 1-32, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the "Environmental Information"); and

WHEREAS, prior to making a determination about the potential environmental significance of the Project, the Legislature has completed Parts 2 and 3 of the FEAF, has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, the Legislature has duly considered the Action, the full Environmental Assessment Form Parts I-III, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, the Legislature has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

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NOW, THEREFORE, BE IT

RESOLVED, that the Legislature formally declares itself Lead Agency and accepts all responsibilities associated with same; and be it further

RESOLVED, that the Project is a Type I Action pursuant to SEQRA, as it involves the disturbance of land totaling over 10 acres; and be it further

RESOLVED, that based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings, including the Environmental Information, relating to the Action, the Legislature finds that the Action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that the attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the determination of non-significance; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management, the Department of Law, and Mark Rountree, Department of Environment and Planning and any other required parties pursuant to the SEQRA regulations.

### NEGATIVE DECLARATION Determination of Non-Significance

Lead Agency: Erie County Legislature  
Date: January 5, 2023

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

The County of Erie Legislature ("County"), as lead agency, has reviewed the proposed resolution regarding the Buffalo Bills New Stadium Project (the "Project" or "Action") and determined that it will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared. \* Terms not defined herein have the same meaning given to them in the Technical Addendum.

Name of Action: Buffalo Bills New Stadium

Location of Project Site: Towns of Orchard Park and Hamburg, New York (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10).

SEQRA Status: Type I

Description of Action: Erie County is currently evaluating: (1) the conveyance of certain portions of land located in the Town of Orchard Park (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10) to the Erie County Stadium Corporation ("ECSC") and the subsequent lease of the sold parcels by ECSC to Buffalo Bills, LLC, Western New York's National Football

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League ("NFL") franchise team (together, with its stadium affiliate, the "Team"); (2) the construction of a new stadium facility ("New Stadium" or "New Stadium Complex") to replace the existing Highmark Stadium ("Existing Stadium"); (3) the demolition of Highmark Stadium; and (4) the continued operation of the Team's complex (collectively, the "Project"). Reference is made to the Technical Addendum ("TA") for a more detailed description of the Project.

Reasons Supporting this Determination:

The County has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The County compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). The County has completed Parts 2 and 3 of the Full Environmental Assessment Form ("FEAF"), and, as indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

A. Impact on Land

The New Stadium and surrounding parking lots and pedestrian walking connections will be constructed on a previously developed site directly across the street from the Existing Stadium, on the west side of Abbott Road. The addition of improved drainage and parking lot runoff management will be a significant improvement when compared to the current conditions associated with the Existing Stadium and surrounding facilities. There will not be any significant construction activity on lands where the depth to the water table is less than 3 feet. The Project does not involve construction on slopes of greater than 15%. There will not be any blasting of bedrock necessary nor construction over limestone bedrock which typically has caves, cracks and/or sinkholes that could expose the groundwater table.

The footprint of the New Stadium is smaller than the Existing Stadium. Almost all of the excavated material will be reused and remain on the Site. During demolition, the Existing Stadium's concrete structure will be ground up and recycled as fill material within its existing bowl area to reduce off-Site waste. Many of the large boulders used as vehicular barriers around the Site will be reused. Any metal and concrete materials not suitable for reuse on the Site will be recycled off-Site. Excavated clean and suitable soils maybe reused off-Site, at the County's discretion, as a source of clean cover material and fill for other County projects. The Project will not result in increased erosion. All required soil and erosion control measures during construction will be implemented. Furthermore, no state or federally mapped wetlands will be impacted by the construction of the New Stadium Complex.

Overall, the Project will involve significant amounts of construction lasting for three years. However, the Project essentially replaces the Existing Stadium, which has been operational for approximately 50 years, with a brand new, state of the art stadium on an adjacent, already developed parcel. Accordingly the Project will not have a significant adverse impact on land.

B. Impact on Geological Features

The Site contains no unique or unusual land forms (e.g. cliffs, dunes, minerals, fossils, or caves), nor are there any National Natural Landmarks at or around the Site of the New Stadium Complex. Accordingly, the Project will not have a significant adverse impact upon geological features.

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### C. Impact on Surface Water

Overall, proposed improvements to the New Stadium Complex's drainage conditions have been designed to meet all State and Federal requirements and will result in significant improvements to stormwater management over current practices, which are intended to result in a beneficial impact on downstream drainage conditions as compared with existing conditions. There are no proposed impacts to the mapped streams within the Project Area. The Project will result in new impervious surfaces which will require stormwater management systems to properly handle stormwater flows and ensure proper management of such stormwater on Site. Soil and erosion control measures will be implemented so there are no inappropriate discharges of contaminants to surface waters during construction. Following site stabilization and construction of the Project, erosion and control measures will control the water quality and quantity of stormwater runoff. Unlike existing conditions, the stormwater management system for the New Stadium Complex will provide treatment in accordance with NYSDEC criteria, and will control the peak runoff to Smoke Creek and Rush Creek Tributary, to rates at or below existing rates. The methods being employed will provide water quality treatment to address specific pollutants, such as phosphorus. This treatment will greatly enhance the quality of the post construction discharge as compared to current conditions.

Based on these facts, the Project will not have any significant adverse impacts on surface water.

### D. Impact on Groundwater

Because both the Existing Stadium and the New Stadium Complex receive water from the Erie County Water Authority ("ECWA") sourced from Lake Erie, the Project will not require new water supply wells, nor place any additional demand on existing water supply wells. While the New Stadium Complex will require storage and use of fertilizers, fungicides, diesel, and pesticides, such storage will be in accordance with applicable federal, state, and local requirements to avoid any impacts to any groundwater resources, and is consistent with existing conditions resulting from the Existing Stadium. Groundwater in the vicinity of the New Stadium Complex is not a source of potable drinking water due to the existing municipal water supply system. In addition, the SWPPP and SPDES Permit controls will be in place to limit any impacts from construction and excavation. The Existing Stadium's demolition will adhere to all applicable federal, state, and local statutes, laws, codes, and ordinances, as well as industry standard practices for responsible environmental controls. Based on these facts, the Project will not have any significant adverse impacts on groundwater.

### E. Impact on Flooding

As detailed in the TA, while there is a 100-year floodplain on the south end of the Project Area, the Project Area itself is not located in a designated floodway, a 100-year floodplain, and a 500-year floodplain. The New Stadium Complex will achieve an 18% reduction in peak stormwater runoff as compared to existing conditions by utilizing stormwater controls. Stormwater controls include the installation/improvement of six bioretention facilities, the existing on-site storm sewer system, an underground detention chamber which will serve to attenuate peak discharge rates, two wet ponds, the use of hydrodynamic water quality units, and the use of impervious cover reduction with soil restoration practices. Based on these facts, the Project will not have any significant adverse impacts on flooding or flooding conditions, and will result in a net benefit to existing flood conditions in the vicinity of the New Stadium Complex.

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F. Impact on Air

The New Stadium will have a reduced seating capacity compared to the Existing Stadium, thereby reducing vehicle trips per event as compared to the Existing Stadium and thereby reducing associated indirect air pollution impacts. During construction, in addition to indirect air pollution from vehicles, the demolition of the Existing Stadium could result in fugitive dust emissions, however those time periods will generally be limited to the initial construction stage when excavation work takes place and during demolition of the Existing Stadium. In order to ensure that the construction activities and demolition of the Existing Stadium do not have an adverse impact on air quality, the comprehensive Demolition Mitigation Plan ("DMP") will be implemented. Additionally, the activities associated with the demolition of the Existing Stadium will adhere to all applicable federal, state, and local statutes, laws, codes, and ordinances, as well as industry standard practices for responsible environmental controls. Accordingly, the Project will not have any significant adverse impacts on air quality.

G. Impact on Plants and Animals.

The Site is largely developed, and there are no significant natural habitats on the Site. Several public comments raised concerns with respect to the impact of the design of the New Stadium on migratory birds. The façade of the stadium is generally split into two horizontal curved bands of solid materials at its base, and perforated screens at the upper levels of the stadium. Primary exterior cladding materials include: perforated metal panels (approximately 43%), solid metal panels (approximately 25.5%), brick (approximately 19%), glass (approximately 9.5%), and concrete (approximately 1.5%). As further detailed in the TA, the location of exterior glass has been strategically placed to maximize daylighting to key interior spaces at consolidated zones, is limited in height, and makes up less than 10% of the overall exterior façade, and will not be highly reflective, and up to approximately 25% of the glass surface is located behind perforated metal panels, all of which will further reduce impacts on avian species. Further, the New Stadium will be located further away from the existing wildlife habitat present in Smokes Creek compared to the Existing Stadium. As the vast majority of the Site is already developed and there is no significant natural habitat present, nor any threatened or endangered species, and due to the building materials, integration of field lighting, and use of newer technology and lighting controls, the Project will not have any significant adverse impacts on plants and animals.

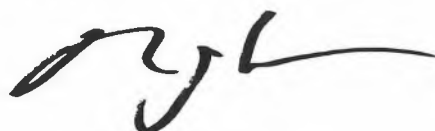
H. Impact on Agricultural Resources

The Site has not been used for agriculture, since at least 1972, and is not considered prime farmland, and is not located in a NYS certified Agricultural District. Accordingly, the Project will not have any significant adverse impacts upon agriculture or agricultural uses.

I. Impact on Aesthetic Resources

While the New Stadium's compact footprint is smaller than the Existing Stadium by approximately 50' in length and 100' in width, its roof canopy could extend approximately 50' higher than adjacent grade as compared to the Existing Stadium's field lights. Nevertheless, the nearest officially designated and publicly accessible federal, state, or local scenic or aesthetic resource (Woodlawn Beach State Park) is located approximately 5 miles from the New Stadium Complex, and the New Stadium will not be visible from this resource. The location where the difference in stadium height will be most noticeable is when walking or driving along Abbott Road and on the Erie Community College ("ECC") South Campus. In addition, the

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parking areas servicing the New Stadium Complex will have improved paved pedestrian pathways and landscaping consisting of trees, shrubs and groundcover as compared to the existing conditions. Multiple landscaped bioswales will be used to manage a portion of the stormwater runoff while also providing additional landscaped green infrastructure area.

The New Stadium will be substantially screened by existing vegetation from surrounding neighborhoods and other locations, including major roadways. While the New Stadium will be visible from Chestnut Ridge Park, such visibility is consistent with the skyline view of the Existing Stadium and City of Buffalo currently available to visitors.

Generally, due to topography and mature trees, even with the New Stadium's increased height, views from adjacent vantage points, particularly surrounding residential neighborhoods, are not adversely altered. Given the New Stadium's notable separation from the residential properties and the presence of existing trees in the surrounding area, the Project will not create a significant adverse aesthetic impact compared with existing conditions.

### J. Impact on Historic and Archaeological Resources

There are no buildings, archeological sites or districts listed or nominated for inclusion on the State or National Register of Historic Places on the Site. The Existing Stadium was built between 1972-1973 and is now approximately 50 years old, however, significant modifications have been made to the original structure of the Existing Stadium since it was first constructed. The NYS Office of Parks, Recreation, and Historic Preservation ("OPRHP") has determined that the

The Site adjoins some historic cemeteries and is located on the historic homelands of several Indigenous Nations, including the Seneca, Erie, and Wenro, and Neutral. Thus, the area is considered sensitive for Indigenous archaeological resources, including the potential for burials and/or human remains. In accordance with Section 14.09 of the State Historic Preservation Act, a consultation process was initiated among Involved Agencies (Empire State Development, OPRHP, the NYS Department of Environmental Conservation ("NYSDEC") and the County). As part of this process, the region's three Indigenous Nations, the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the Tuscarora Nation (collectively the "Interested Nations") were invited to participate by providing input into documentary research and to monitor on-Site investigations. The Involved Agencies have entered into a Letter of Resolution ("LOR") documenting stipulations to be implemented to ensure protection and preservation of archaeological resources encountered. The Team and the Interested Nations have been invited to sign the LOR as Concurring Parties. Based on the above, the Project will not have a substantial adverse impact upon historic or archeological resources.

### K. Impact on Open Space and Recreation

The New Stadium Complex will not result in a loss of recreational opportunities or a reduction in open space resources. With respect to the underutilized athletic fields on the ECC Campus, the ECC Board of Trustees has determined the ECC Campus land containing the athletic fields is no longer necessary for community college use or purposes. In terms of off-Site recreational resources, the closest is the California Road Recreational Area which is 1.5 miles away and will be unaffected by the Project. The nearest park is the Woodlawn Beach State Park which is approximately 5 miles away and, also, will be unaffected by the Project. Accordingly, the Project will not have a substantial adverse impact upon open spaces or recreation.

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L. Impact on Critical Environmental Areas

There are no Critical Environmental Areas as described in subdivision 6 NYCRR 617.14(g) on the Site or in proximity to the Site. Accordingly, the Project will not have any significant adverse impacts upon Critical Environmental Areas.

M. Impact on Transportation

Overall, the New Stadium Complex will feature approximately 10,000 parking spaces controlled by the Buffalo Bills, similar to the approximately 9,950 spaces currently controlled with the Existing Stadium. Importantly, the New Stadium's location, west of Abbott Road, will allow for patrons and vehicles to enter and exit more equally in all directions as compared to the Existing Stadium, which constrained on the east side by Smoke Creek. Further, new driveways will offer additional ingress and egress opportunities for parking areas, alleviating some existing game day traffic congestion for the New Stadium Complex.

The existing operations, outlined in the Traffic Management Plan ("TMP"), to accommodate and manage game day traffic and pedestrian operations for the New Stadium Complex will remain similar as to what is done today for the Existing Stadium Complex. Traffic management for Game Day and other events is reviewed at the end of the Team's season to discuss any changes necessary for the coming year, and then again before the start of a season. As detailed below, the New Stadium Complex is expected to result in similar impacts to roadway facilities, vehicle trips, parking, public transportation facilities, travel patterns, and pedestrian conditions as the Existing Stadium, thus no significant change is expected to result from the Proposed Action.

i. Roadway Facilities

As the New Stadium will be located on the west side of Abbott Road (across from the Existing Stadium), the same existing regional street network will be used by patrons of the New Stadium. Notably, an additional driveway will provide a new connection between Southwestern Boulevard and Big Tree Road, adjacent to ECC Campus. Given the reduced seating capacity of the New Stadium, no increase to traffic volumes on the existing regional street network are anticipated.

Accordingly, the New Stadium Complex will not have a significant adverse impact on roadway facilities as compared to existing conditions.

ii. Vehicle Trips

Game day traffic volumes and parking demand will be reduced as compared to existing conditions as a result of the reduction in the number of attendees due to the reduced seating capacity of the New Stadium. Overall, the New Stadium is projected to generate approximately 2,000 fewer vehicle trips than the Existing Stadium. Furthermore, game attendees' travel patterns and behavior will largely resemble travel that of the Existing Stadium Complex. Accordingly, the New Stadium Complex will not have a significant adverse impact on vehicle trips.

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iii. Parking Facilities

The New Stadium Complex is expected to incorporate expedited parking validation processes that will help to move pre-game traffic queues for parking areas more expeditiously. Between the Team/owner-controlled parking spaces, ECC Campus, and secondary and tertiary parking, 20,089 spaces are proposed for the New Stadium Complex. The identified demand for parking spaces at the New Stadium Complex is 18,080. During post-game operations, parking lot driveways are anticipated to retain their existing directional exit patterns to support traffic flow.

Accordingly, the New Stadium Complex will not have a significant adverse impact on parking facilities as compared to existing conditions.

iv. Public Transportation Facilities

NFTA is not proposing any changes to existing service along Route 14, Route 16, or Route 72 due to the Project. Beginning during the 2022 season, NFTA is piloting game day service that would operate between several locations across Western New York to a passenger drop-off on Abbott Road. This pilot service is in its initial phase as of the 2022 season and is subject to change throughout the season based on conditions and ridership. It is anticipated that this new direct service to the Site will continue on game days with the New Stadium.

Accordingly, the New Stadium Complex will not have a significant adverse impact on public transportation facilities.

v. Travel Patterns

Patrons parking in lots to the north and south of the Site will likely continue to equally approach/depart the Site from/to the west and east while patrons parking to the west will likely continue to approach/depart from/to the west and patrons parking to the east will likely continue to approach/depart from/to the east. New/modified internal roadways and access driveways will provide the flexibility needed to allow adjustments to the TMP based on actual operational experience with the New Stadium, and the TMP will be updated regularly.

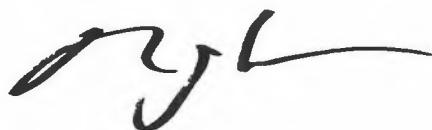
Game day use of local streets is expected to remain similar to existing conditions, and potentially experience reduced traffic volumes due to reduced seating capacity at the New Stadium. In addition, the increase in the total number of anticipated parking spaces to the east of Abbott Road is anticipated to reduce the potential for cut-thru traffic on these roadways which are all located to the west of Abbott Road.

Accordingly, the New Stadium Complex will not have a significant adverse impact on travel patterns, as compared to baseline conditions.

vi. Pedestrian Conditions

The New Stadium will incorporate several new internal walkways west of Abbott Road to enhance pedestrian accommodations. Existing sidewalks, pedestrian walkways and accommodations provided on-Site to the east of Abbott Road will remain and are detailed in the TMP. The closure of Abbott Road for pedestrian accommodation pre- and post-game as part of the TMP is planned to continue, along with the

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other measures detailed therein that have been highly effective in ensuring pedestrian safety. It is noted that during the public comment period on the Technical Addendum and supporting environmental reports, several commenters stated that they were concerned about sidewalks, guiderails, and other structures of the like not being implemented in the new stadium design. As detailed in the response to that comment, pedestrian safety is of the highest importance before and after a game. As explained on page 17 of the TA, the Traffic Management Plan (Appendix 16 to the TA) has been specifically designed to manage game day traffic with the goal of maximizing capacity of the adjacent roadways and protecting the high number of pedestrians in the vicinity of the Existing Stadium Complex. In order to maximize pedestrian safety, Abbott Road from Big Tree Road to Southwestern Boulevard is shut down for pedestrian crossing during event days. Furthermore, before a game, a pedestrian corridor is established within the rightmost northbound lane of Abbott Road from Southwestern Boulevard to Webster Road. After a game, there are lane restrictions on Abbott Road north of Southwestern Boulevard and on Big Tree Road to provide pedestrian corridors. After a game, a pedestrian corridor is established within the right of way of the northbound lane of Abbott Road from Southwestern Boulevard to Webster Road. Furthermore, Big Tree Road (Route 20A) closes to westbound traffic at U.S. Rt. 219 starting at approximately halfway through the game/event. Big Tree Road is then converted into eastbound only traffic to the U.S. Rt. 219 interchange ramp. The TMP calls for use of channelizing devices such as cones or drums to delineate the eastbound traffic on the eastbound shoulder and the travel lanes. The westbound shoulder is used for a pedestrian corridor.

Accordingly, the New Stadium Complex will not have a significant adverse impact on pedestrian conditions.

vii. Construction Implications

All construction site impacts to parking spaces will occur to either Team/owner-controlled parking lots or ECC Campus parking spaces. No changes to secondary or tertiary parking is anticipated as part of the New Stadium construction. The construction stages will temporarily reduce the available number of on-Site parking spaces, most of which includes the employee, RV and bus and limo parking. During construction, temporary shuttling will occur to transport staff between the Site and remote parking lots. This will help to reduce the demand for on-Site parking during construction.

Construction vehicle parking and staging will be accommodated on-Site. No off-Site parking or use of local roadways for construction vehicle parking is anticipated during the construction duration. Construction deliveries will be scheduled to avoid peak traffic times as much as possible. Delivery routes will be identified to minimize impacts to travel on adjacent roadways. The addition of these vehicles would result in negligible impacts to the operations of the roadways due to the available off-peak capacity of the network of roadways near the Site. The construction related traffic trips will be temporary, minor, and will conclude as the stages of construction are completed.

Overall, the addition of construction worker vehicles would result in negligible impacts to the operations of the roadways due to the available off-peak capacity of the network of roadways near the Site.

viii. Conclusion

The Project is expected to result in traffic volume and flow, parking, and pedestrian conditions that are similar to those of the Existing Stadium. This, combined with the reduced seating capacity and features included in the New Stadium, is not expected to result in significant adverse impacts to the transportation network above and beyond those experienced with the Existing Stadium.

ATTEST



ROBERT M. GRABER

*Clerk of the Legislature of Erie County*

# STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

## CLERK'S OFFICE

*BUFFALO, N.Y., January 19, 2023*

TO WHOM IT MAY CONCERN:

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Thus, the New Stadium Complex will not have a significant adverse impact on transportation, as compared to baseline conditions.

N. Impact on Energy

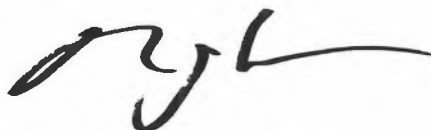
The Existing Stadium uses one (1) incoming 35 kV service feeder from NYSEG, and is split into two feeders to service the Existing Stadium. The current peak utility electrical demand from the Existing Stadium on both feeders totals approximately 7,500 kW for event days. The New Stadium Complex will require two (2) new dedicated 35 kV service feeds from NYSEG. The utility peak demand for the New Stadium is anticipated to be between 9,500 and 11,000 kW, but expansion of the electrical grid is not anticipated to be necessary. The increased electrical load is due to the increased area of the building and increased amount of technology, equipment, and amenities in a modern NFL stadium. Newer technologies that are more energy efficient than existing systems will be employed at the New Stadium and throughout the New Stadium Complex. The source of electricity will be the Western New York power grid which already uses 91% zero-emission energy for the electrical grid. The New Stadium Complex will continue to draw from these renewable resources.

Although there is a decrease in seating capacity associated with the New Stadium, there will be an increase in square footage per ticket holder, and an increase in heated interior space, when comparing the New Stadium Complex to the Existing Stadium. This is specifically designed to increase fan comfort and enhance the Game Day experience. Even with the increase in heated interior space, because of the energy-efficient design of the New Stadium, the natural gas usage for the building, including space heating, cooking gas, and water heating, decreased by approximately 14% from existing conditions. However, overall, the natural gas usage will increase from 42,426 decatherms per year at the Existing Stadium Complex to 54,192 decatherms per year for the New Stadium Complex, an increase over existing conditions by 11,766 decatherms or approximately 27%. This increase in natural gas is attributable to the natural grass field, which requires heating through the use of underground boilers in winter. The natural grass field, as compared to the artificial turf at the Existing Stadium, is for purposes of enhanced player safety concerns, including the reduction of knee injury and concussion risks to players. To put this increase in some perspective, on an annual basis, the County's Rath Building utilizes approximately 11,422 decatherms per year. Thus, the increase in natural gas consumption associated with the Project is roughly equivalent to a large office building. Potential impacts from this increase in natural gas usage are mitigated by the more energy efficient design of the New Stadium.

Specifically, regarding the HVAC system, a more robust insulated building envelope will be developed that will result in conserving electricity when heating and cooling the building. The improved building envelope will use high performance glazing and increased exterior thermal insulation to reduce heating and cooling loads for interior spaces. The partially open, shaped roofline gives the New Stadium an aerodynamic form as a way to help drive Lake Erie winds over the facility, rather than to swirl around inside the bowl, as it does in the Existing Stadium. Improved HVAC automated controls and use of higher efficiency equipment including the use of airside economizers on all air handling systems will increase the New Stadium's energy efficiency and optimize its performance.

LED video displays used in the seating bowl and concourses, as well as illuminated signs, are more energy efficient than previously available models, thus use less electricity power per square foot than what currently exists at the Existing Stadium. Energy efficient LED lighting fixtures will be used both in the New Stadium, including the playing field, and throughout the New Stadium Complex to reduce the electrical demand. A

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more extensive lighting control system will be used to minimize the use of electricity and conserve energy when areas are unoccupied.

During construction of the New Stadium, the energy demand associated with construction activities will be less than the Existing Stadium's game day peak load. The New Stadium will not be operated concurrently with the Existing Stadium, thus there is no overlap of stadium operational electrical use.

As such, there will be no significant adverse impacts on energy usage.

O. Impact on Noise, Odor and Light

i. Noise

1. New Stadium Operations

For game day events the New Stadium speaker system levels are expected to result in similar community sound level impact as compared to the Existing Stadium speaker system.

For concert events, the New Stadium speaker system levels are expected to result in a significantly lower community sound level impact reducing the overall sound level impact by 8 to 11 dBA. A small area approximately 4,110 feet from the New Stadium (at Lynwood Ave. and Brookview Terrace) could see an increase in sound level of approximately 3 dBA due to the location of the New Stadium. However, this location is nearly a mile from the New Stadium and will likely be shielded by intermittent buildings and vegetation.

2. Construction

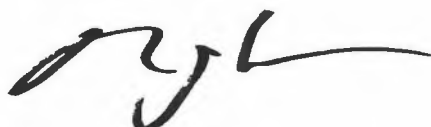
Equipment and activities associated with construction of the New Stadium have the potential to produce intermittent noise emissions in the vicinity of the New Stadium above the documented baseline limits, and changes to ambient noise levels and vibrations have the potential to impact existing sensitive receptors. The impacts would largely be associated with the excavation and foundations work stages of construction, which is over a limited time period, and it is anticipated that approximately 85 to 90% of the construction work will be performed during standard daytime work hours (Monday to Friday 7:00 a.m. to 6:00 p.m.) when noise sensitivity is lowest.

The noise levels during each stage of construction at the point of reception are predicted to be within applicable noise limits at the worst-case receptor locations. Active construction monitoring will be done throughout the construction period on an as needed basis. Additionally, where construction work is adjacent to residential areas and in proximity to the grade separation work sites, it will be determined whether there is a need to further reduce noise effects if persistent complaints arise, and additional mitigation measures will be implemented where appropriate.

3. Conclusion

Overall, during construction of the New Stadium, the Project will include increased noise levels within the New Stadium Complex and the surrounding area. However, the construction stage is temporary and

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short-term relative to the entire life cycle of the Project, most activities will be limited to daytime construction hours, construction activities will be within the construction noise guideline limit of 80 dBA at the worst-case receptor locations, and best practices and noise mitigating controls will be utilized where feasible. Additionally, the Project will replace the existing sound system with an enhanced system that will improve the fan experience and will reduce sound levels from concert events, and sound levels on game days will be similar to existing conditions. Accordingly, there will be no significant adverse impacts to noise.

ii. Odor

As mentioned in the TA, the Existing Stadium Complex tends to emit food odors from tailgating activities and concessions. These same activities are expected to continue with the New Stadium. Thus, there will be no significant adverse impacts to odor.

iii. Light

Overall, the Project will replace the existing, 140' tall free-standing stadium lighting and tall parking lot post lighting with modern lighting specifically designed to limit light impacts to adjoining properties, roadways and wildlife during construction and operation of the New Stadium, and improve lighting for pedestrian safety throughout the New Stadium Complex. All of the lighting for the New Stadium Complex is energy efficient light emitting diode ("LED") lighting. All façade and site lighting will to be controlled via a time clock with the overall controls system. Well-shielded LED light sources will be used throughout site will help minimize skyglow, which can be disorienting to birds and bats. Warm color temperatures, which are proven to have the least impact on birds and bats, will be used throughout New Stadium Complex. The new lighting controls will allow for modifications and creation of multiple lighting scenes or scenarios, where appropriate fixture wattages will be selected with the surrounding environment and energy codes in mind. The new controls will also be used as described above to limit the number of lights that are on at night, to help protect the sleep-wake cycles and reproductive patterns of surrounding wildlife. Accordingly, there will be no significant adverse impacts to light.

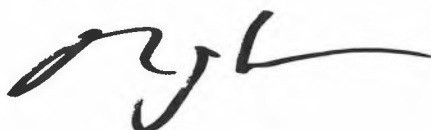
P. Impact on Human Health

Construction will be located within the larger New Stadium Complex, accordingly, the general public's exposure to any hazards will be limited. While certain hazardous materials will be stored on-Site, such storage will be in accordance with applicable federal, state, and local requirements and is consistent with existing conditions resulting from the Existing Stadium. Additionally, the Project will minimize risks to construction personnel by implementing the DMP prior to the commencement of demolition, as well as by fully complying with applicable federal Occupational Safety and Health Administration ("OSHA") and New York State Labor Law requirements.

No construction of, or modification to, any solid waste management facility will be necessary to accommodate the Project. As detailed in the Impact on Traffic section, supra, vehicle flow both on and off site is expected to improve from existing conditions, with increased efficiencies resulting from the design of the onsite parking and access driveways, with a corresponding increase in vehicular and pedestrian safety.

Accordingly, the Project will not have any significant adverse impact to human health.

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Q. Consistency with Community Plans

i. Land Use Components & Development Goals

No portion of the ECC Campus in the Town of Hamburg will be incorporated into the New Stadium Complex and the existing parking lots on the ECC Campus located in the Town of Hamburg will continue to service ECC going forward, while also servicing the New Stadium Complex on event days (as they currently service the Existing Stadium). The Town of Orchard Park Comprehensive Plan contemplates continued use of the Existing Stadium Complex for operations by the Team, and establishes the importance of the Team and a stadium on the Existing Stadium Complex to the Comprehensive Plan of the Town. The New Stadium will be located on currently underutilized and surplus athletic fields on the ECC Campus, and will otherwise occupy the footprint of parking lots that predominantly service the Existing Stadium. Thus, the Project is consistent with the overall development visions and goals of the Towns of Orchard Park and Hamburg. The Site has already been the home of the Buffalo Bills for the last fifty years. In that time, there has been some off-Site development to support the Existing Stadium Complex including adjacent bars, restaurants, and various types of commercial stores and lodging establishments. These businesses have used their proximity to the Existing Stadium as the basis for drawing in business and generating revenue. The introduction of the New Stadium across Abbott Road from the Existing Stadium Complex will continue to support these businesses but the Project is not expected to result in material ancillary development. Nonetheless, to the extent either the Towns of Orchard Park or Hamburg were to decide to make ancillary development a priority, this could certainly change.

ii. Public Infrastructure

1. Water

The New Stadium Complex will see a reduction in peak water usage on event days due to the new infrastructure and reduced capacity of the New Stadium. While there will be new water usage as a result of the field irrigation, the Project also provides sustainable design elements and upgrades to a 50 year old stadium, such that annual water usage is expected to drop from approximately 20 million gallons per year at the Existing Stadium to approximately 15 million gallons per year at the New Stadium, a 25% reduction in overall water used at the New Stadium Complex. Based on initial discussions with the ECWA, the primary water connection will occur on an existing transmission main separate from the mains used to service adjacent businesses and residences, alleviating water pressure issues on game days. Thus, there will be no significant adverse impacts on water usage.

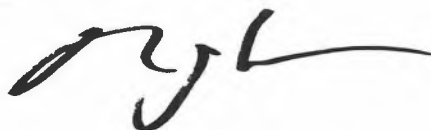
2. Sewer

It is expected that the New Stadium Complex will see a reduction in peak sanitary sewer discharge to the attenuation tank system on event days given the reduction in capacity of the New Stadium, as well as the use of low water consumption toilet fixtures and flush valves to reduce the amount of sanitary waste drainage volume created during events. Thus, there will be no significant adverse impacts on the sewer system.

3. Telecommunications

A Cellular Distributed Antenna System ("DAS") and a separate public responder DAS will be provided in the New Stadium, in concert with a venue provided spectator Wi-Fi deployment equal to that provided at

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new or recently renovated NFL venues. Thus, there will be no significant adverse impacts on telecommunications service.

iii. Conclusion

The New Stadium Complex's land use components are essentially identical to the current land use pattern for the Existing Stadium Complex, and the Project is consistent with the overall development visions and goals of the Towns of Orchard Park and Hamburg. Additionally, no new or expanded public infrastructure is required for the Project. Thus, the Project will not have any significant adverse impact to community plans.

R. Consistency with Community Character

Overall, the Project is consistent with the longstanding usage of the Site to support Team operations in Western New York. The Team is a vital part of the community character and the Project keeps the Team in Buffalo, at a minimum, for the duration of the entire 30-year term of the New Stadium lease. The Existing Stadium has been in operation for approximately fifty years, and is reaching the end of its lifespan, requiring demolition and replacement. While the location and design of the New Stadium differ from the Existing Stadium, these differences are anticipated to mitigate existing conditions and provide the community with a new home for Western New York's NFL football franchise. Accordingly, the Project will not have a significant adverse impact on land use and zoning.

S. Cumulative/Growth Inducing Impacts

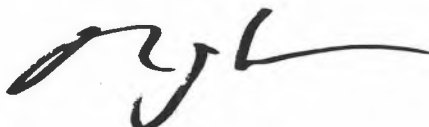
There are several projects that may take place in future years that are related to the Project, including: (i) potential improvements to mass transit routes and or other public transportation improvements to better serve the New Stadium Complex; (ii) bicycle paths/trails and/or additional off-site pedestrian walkways/sidewalks; and, (iii) the relocation of the ECC Cell Tower. At this point in time, it is unclear if any of these projects will be undertaken. In addition, none of these projects are sufficiently defined as to be able to analyze potential environmental impacts at this time. Accordingly, separate environmental reviews for these projects should they ever move forward are warranted under the circumstances. Further, each of these projects, if they ever move forward, will be subject to their own environmental impact analysis pursuant to SEQRA. Thus, not including these projects in the current SEQR process for the Project is no less protective of the environment.

The introduction of the New Stadium across Abbott Road from the Existing Stadium Complex will continue to support existing businesses but studies have shown that the Project will not result in material ancillary development.

II. Conclusion

A number of temporary and/or minor environmental impacts have been identified in connection with the New Stadium Complex when compared to existing baseline conditions. However, a thorough analysis of these potential impacts reveals that where necessary, such impacts have been mitigated to the greatest extent possible by the design of the Project and that none of these impacts will be significant. Accordingly, the issuance of a negative declaration for the Project is appropriate.

ATTEST



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For Further Information:

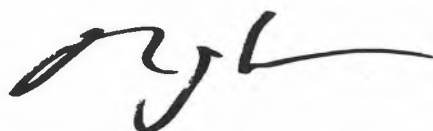
Contact Person: Mark Rountree, Department of Environment and Planning

Address: Erie County Department of Environment and Planning  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, New York 14202

Telephone Number: (716) 858-8008

**REFERENCE:**      **COMM. 22E-6 (2022)**      **AS AMENDED**

ATTEST



ROBERT M. GRABER  
*Clerk of the Legislature of Erie County*