

E=mt³
Office Park

Retail
Housing
Commercial



STATEMENT OF FINDINGS FOR THE ROUTE 434 E=mt³ MIXED USE OFFICE PARK PROJECT

Town and Village of Owego,
Tioga County,
New York
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Section 1 Introduction

This document serves as the Findings Statement by the Tioga County Industrial Development Agency (the Lead Agency) for the proposed Route 434 E=mt³ Mixed Use Office Park Project. It was prepared in accordance with Article 8 of the Environmental Conservation Law. The following provides a description of the proposed action, discussion of the State Environmental Quality Review Act (SEQRA) compliance, a review of the potential impacts and determinations of significance, discussion of future SEQRA actions, and a conclusion section including the Findings of Decision of the Lead Agency.

1.1 SUMMARY OF PROPOSED ACTION

The Tioga County Industrial Development Agency (IDA) is proposing a mixed-use office/residential project on an approximately eighty-five (85) acre parcel located on New York State Route 434 in the Village and Town of Owego, Tioga County, New York. The proposed development involves the construction of a mix of light industrial, office, supportive retail, senior housing, a satellite health care facility, multi and single-family residential units; along with a community park complete with walking trails herein referred to as the (“Project”). The site is located approximately one-eighth of a mile east of the Court Street Bridge and 1,000 feet east of Apple Blossom Road on NYS Route 434, and is accessible from NYS Route 434 as well as from Strong Road, located on the southern boundary of the site.

The site is comprised of three parcels totaling approximately 84.91 acres. Recently abandoned agricultural fields with an average slope of 10 percent characterize the northern 26 acres of the Project Site. The central portion of the site, an area of approximately 21 acres, is forested and consists of the steepest slopes of the site, with some greater than 25 percent. The southern portion of the site, comprising an area of approximately 34 acres, is characterized as open fields with slopes ranging from 8 to 20 percent. The Project Site is very characteristic of the local vicinity with rolling terrain and slopes that offer views of the scenic river valley.

The Project consists of the construction of a mix of light industrial, office, supportive retail, senior housing, a satellite health care facility, multi and single-family residential units; along with a community park complete with walking trails. In total, the Project proposes 206 residential units, including 26 single-family dwellings, 30 market-rate apartments, 30 townhouses, 70 senior congregate care/independent living units and 50 senior assisted living units.

The Project will have a curvilinear central roadway traversing the site from North to South. Sidewalks will connect most uses within the site, link to parkland trails, and extend into adjacent communities. The site will also have a naturalized creek bed with boulders, ponds, and waterfalls. The creek will play a role in on-site storm water management.

Alternatives

As required by SEQRA, reasonable alternatives to the Project have been considered. The alternatives analyzed by this DGEIS include the Null Alternative, the Southside Square Neighborhood Plan, and the Southside New Urbanism Plan as discussed and analyzed in *DGEIS Section 6 Alternatives*.

Approvals

Under SEQRA, any state, federal or local agency having jurisdiction to issue a permit, certificate or other permission to act as required for the project, or to provide funding, is called an “Involved Agency.” The required permit applications will be submitted to the appropriate agencies on an as needed basis, commencing immediately and continuing throughout the construction and occupancy of the Project. Below, *Table 1-1 Agency Approvals*, represents an initial listing of the reviews and approvals that are likely to be required. The list also includes those agencies providing funding for the Project. A more detailed determination will be required prior to the submission of each application.

TABLE 1-1, AGENCY APPROVALS	
PERMITS AND/OR REVIEWS	AGENCY
NYSDEC SPDES GP-02-01: Stormwater	<i>NYS Department of Environmental Conservation</i>
Phase 1B Archeological Review	<i>Coordination with and project signoff of “no impact” from NYS Office of Parks, Recreation and Historic Preservation.</i>
Curb Cuts and Highway Work Permits along Route 434	<i>NYS Department of Transportation.</i>
Curb Cuts and Highway Work Permits along Strong Road	<i>Town of Owego Department of Public Works</i>
Zoning Amendment, Site Plan, potential for Special Use Permit and Subdivision	<i>Village of Owego.</i>
Subdivision and Site Plan Review	<i>Town of Owego</i>
Nationwide Permit #14 for wetland disturbances	<i>U.S. Army Corps of Engineers</i>

1.2 SEQRA Compliance

The Lead Agency passed a Resolution and issued a Positive Declaration requiring the preparation of a DGEIS for the Project and the initiation of a Public Scoping Process. A draft Scoping Document was prepared and distributed to involved agencies and other interested parties, and made available to the public. Agency and public comments received during the comment period were considered and incorporated, as appropriate, into a final Scoping Outline. The DGEIS was prepared based on the final Scoping Outline, as was accepted as complete by the Lead Agency.

A public hearing was held on October 19, 2005 and the Lead Agency accepted written comments on the DGEIS until November 4, 2005. Responses to these comments comprise Section 2.0 of the FGEIS.

Section 2 Potential Impacts and Determinations of Significance

2.1 GEOLOGY

2.1.1 SUBSURFACE

Potentially Unavoidable Vibration and Noise Impacts Related to Removal of Bedrock:

Due to the fact that if any vibrations occur, they will be minimal, short in duration, and any related impacts will be mitigated to the maximum extent practicable through the implementation of all the mitigation measures and precautions previously discussed, said impacts are not anticipated to be significant.

2.1.2 SURFACE

Unavoidable Long-Term Increase in Impervious Areas and Avoidable Short-Term Impacts Related to Erosion and Siltation of Water Resources, and Dust:

Due to the previously discussed provisions and mitigation measures including the proposed clustering design, the potential impacts related to an increase in impervious areas, erosion, sedimentation, and dust are expected to be short in duration, minimal, and are not anticipated to be significant.

2.1.3 WATER RESOURCES

2.1.3.1 GROUNDWATER

Unavoidable Long-Term Impacts on Groundwater Infiltration and Avoidable Short and Long-Term Impacts to Water Quality:

Construction Activities: Construction activities, if not properly managed, could result in minor groundwater quality impacts. Due to the fact that any disturbances to the pockets of groundwater during construction will be short in duration, and will be mitigated to the maximum extent practicable through the above-described provisions and mitigation measures, potential impacts are not anticipated to be significant

Reduction in Groundwater Infiltration: Other threats to groundwater quality include the proposed increase of impervious areas by approximately 19.2 acres thus reducing the amount of groundwater infiltration. This permanent increase in impervious areas, however, is considered minimal compared to the remaining 65.8 acres of pervious surfaces on the Project site, and a drop in the amount of groundwater available to surrounding residential properties that use on-site wells for their water source is not anticipated, and therefore, no impacts on groundwater infiltration are anticipated.

No impacts on groundwater infiltration are anticipated from the increase in impervious areas due to the proposed use of stormwater detention, which will promote infiltration into the soil.

Contaminants in Runoff: The increase in impervious areas particularly associated with roads and driveways may increase the potential for runoff contaminated with automobile-related pollutants such as oil, grease, and other petroleum products. This could be a long-term impact. There is also the potential for groundwater to be adversely affected post-construction if pesticides, herbicides, or fertilizers are used to maintain lawns and landscaped areas.

The potential impacts related to the proposed increase in impervious areas and related stormwater runoff that may contain automobile pollutants, while considered longer in duration, are not anticipated to result in significant nor permanent adverse impacts to groundwater quality, combined with the natural filtration provided as surface water infiltrates through the soil to the groundwater.

2.1.3.2 SURFACE WATER AND WETLANDS

Avoidable Indirect Impacts Related to Proposed Filling of Wetlands and Tributaries:

The potential for indirect impacts related to the temporary disturbances to wetlands and tributaries during the installation of the utility crossings, and the permanent filling of wetlands and tributaries during the construction of the Project site roads will be mitigated to the maximum extent practicable through the Project design and any mitigative measures required through the ACOE permitting process. The direct and potential indirect impacts are not anticipated to be significant.

Unavoidable Increase in Impervious Areas and Related Runoff:

The potential for erosion and sedimentation during construction (a short-term impact), the increase in stormwater runoff from impervious surfaces and the potential for this runoff to introduce petroleum and other contaminants (a potential long-term impact) would minimally impact the Project sites or off-site surface waterbodies or wetlands due to the proposed Project design, implementation and compliance with and associated provisions and mitigation measures; and therefore, such impacts are not anticipated to be significant.

2.1.3.3 Floodplain

Although there is a potential for indirect adverse impacts related to erosion and sedimentation during construction and stormwater runoff, post-construction. Mitigation measures will include construction of detention and/or retention basins to limit peak runoff from the Project to pre-development rates; and construction of wet ponds, grass-lined ditches or other water quality protection measures to mitigate impacts on the quality of stormwater runoff. Further, proper construction techniques will be employed during construction and in accordance with industry standards and BMP, and the SWPPP will be fully implemented and complied with. Therefore, potential impacts are not expected to be significant.

2.1.4 TERRESTRIAL AND AQUATIC ECOLOGY

2.1.4.1 VEGETATION

Unavoidable Temporary and Permanent Loss of Vegetation:

The Project design will preserve approximately 65.8 acres of the site's vegetation and therefore remain pervious. The permanent loss of approximately 19.4 acres of vegetation is not anticipated to be a significant impact. Revegetation, whether ornamental plantings or lawned areas, will deter increased stormwater flows generated during construction. Post-construction stormwater runoff will also increase due to increased impervious surface areas. Since significant areas of the site will remain vegetated, due in large part to the clustering design, and other areas will be revegetated, and stormwater detention basins will be constructed, the impact of these increased flows are expected to be minor, short in duration, and not anticipated to be significant.

2.1.4.2 FISH AND WILDLIFE

2.1.4.2.1 TERRESTRIAL SPECIES

Unavoidable Permanent Loss of Terrestrial Habitat a Temporary Impact:

The Project is not anticipated to result in a significant adverse impact on terrestrial species due to the following:

- > The mitigation measures and provisions described in the DGEIS regarding potential impacts on terrestrial species;
- > The fact that the loss of existing vegetation is expected to be minimal as a result of the cluster design of the Project;
- > The proposed increase in landscaping and lawn areas will ultimately result in additional habitat areas, a potential positive impact for terrestrial species typical to suburban areas.

2.1.4.2.2 AQUATIC SPECIES

Unavoidable Permanent Impacts Related to Wetland and Stream Crossings:

The permanent impacts to the wetlands and tributaries and related aquatic habitat necessary for road construction cannot be avoided. While the direct impacts to these small sections of the wetlands and tributaries will be permanent, the Project design, which includes clustering, will result in the least amount of impact necessary.

Unavoidable Temporary Impacts Related to Wetland and Stream Crossings:

The proposed temporary impacts to the wetlands and streams related to the construction of the utilities, while unavoidable, will be fully mitigated through complete restoration of the disturbed areas back to their pre-construction conditions.

Avoidable Impacts Related to Wetland and Stream Crossings

During the proposed crossing of the wetlands and tributaries for both road and utility construction, there exists the potential for short-term adverse impacts to the aquatic species through erosion, sedimentation and stormwater runoff. However, these potential impacts are avoidable through the use of proper construction techniques, BMP, and implementation and compliance with the SWPPP.

2.1.5 CLIMATE AND AIR RESOURCES

2.1.5.1 CLIMATE

No impacts on the climate are anticipated.

2.1.5.2 AIR RESOURCES

Unavoidable Minor Long-Term Localized Automobile-Related Increases in Carbon Monoxide (CO), Ozone (O₃), Nitrogen Dioxide (NO₂), and Fine Particulate Matter (PM_{2.5}) (automobile-related Pollutants):

The projected increase in traffic is anticipated to cause a minor, long-term localized increase in the levels of automobile-related pollutants. However, the increased pollutant levels generated by increased traffic is not expected to exceed regional standards, and is therefore, not considered to be significant.

Unavoidable Minor Temporary Air Quality Impacts During Construction Phases:

The air quality within the Project area may experience short-term adverse impacts as a result of airborne particulates including dust raised by construction vehicles in motion. This increase is expected to be sporadic and short-term in nature and will be most noticeable in the area immediately adjacent to the construction. The impacts will be minimized by the use of dust inhibitors, such as calcium chloride and other dust-control provisions found in the NYSDOT Standard Specifications for construction. Therefore, they are not anticipated to be significant.

2.2 HUMAN RESOURCES

2.2.1 TRANSPORTATION

Unavoidable Temporary Impacts to Traffic Flow:

The Traffic Study (DGEIS Appendix 4) indicated that the existing transportation network could adequately accommodate the proposed traffic volumes and resulting impacts to the study area intersections. The Study analyzed six (6) intersections, including:

- > Southside Drive/Lackawanna-Halstead Avenues;
- > Southside Drive/Court Street;
- > Court-Park Streets/Front Street;
- > Montrose Turnpike/Strong Road;
- > Southside Drive/Proposed Site Driveway; and
- > Strong Road/Proposed Site Driveway.

The Study also states that site distances (ingress and egress) for both proposed site driveways are adequate.

Based upon the Traffic Study and subsequent analyses discussed in the FGEIS, the Project, at full development, will result in an increase of traffic. While this projected unavoidable increase may cause temporary impacts, said increase is not anticipated to cause major problems as the existing transportation network can adequately accommodate the proposed traffic volumes and resulting impacts through recommended mitigation measures outlined in the DGEIS and FGEIS. Therefore, the Project is not anticipated to result in a significance adverse impact on the local transportation resources.

2.2.2 LAND USE, ZONING AND COMPLIANCE WITH THE COMPREHENSIVE PLAN

Unavoidable Change From Vacant to Residential:

The Project will result in the unavoidable change in the current use of the Project site from vacant to residential. While this change in use will be long-term and considered permanent, it is not anticipated to result in a significant adverse impact on the Site, nor the surrounding land uses. In addition, the existing zoning currently allows for residential development. Therefore, the Project is not in conflict with the existing Zoning Ordinance, the Comprehensive Plan, or the vision regarding this particular site.

2.2.3 AGRICULTURAL LAND USES

The TC IDA has removed the Project Site from the County's Agricultural Districts in April 2006. Therefore, due to the fact that no agricultural activities are currently occurring on the Project site, no impacts on agricultural land are anticipated from the Project.

2.2.4 COMMUNITY SERVICES

2.2.4.1 GENERAL GOVERNMENT

Long-Term Unavoidable Increased Need For Government Services – Minimal to No Impact Related to General Government Services:

It is anticipated that the increased need for general government services associated with the Project as they relate to road and utility maintenance, along with the need for providing recreational activities, will be sufficiently offset by:

- > The positive benefits related to the overall economic activity in the Town and Village associated with the increase in residents (as discussed in more detail below);
- > The additional property taxes and the sewer and (why did we state this?) to be collected from the new residences;
- > The incremental phasing of the Project; and
- > The on-site recreational and community service provisions through the homeowners association.

Therefore, the Project is not anticipated to result in adverse impacts related to an increased need for general government services.

2.2.4.2 EDUCATIONAL FACILITIES

Positive Impacts on School Districts

No adverse impacts are anticipated. While there exists the potential for positive impacts on the School Districts due to the fact that the Project is expected to generate a comparably small amount of school-age children, resulting in no measurable increases in demand on the local school districts, while at the same time generating additional school tax revenue.

2.2.4.3 POLICE AND FIRE PROTECTION

Long-Term Unavoidable Increase in Demand for Police and Fire Protection Services:

With the use of appropriate materials for all proposed structures along with implementation of the proposed mitigation measures for providing adequate fire flows (as discussed in the FGEIS and below in Section 2.2.4.5) any impact associated with the increased demand for fire protection is anticipated to be neither adverse nor significant.

2.2.4.4 UTILITIES

Long-Term Unavoidable Increased Demand for Utilities (Electric, gas and telecommunications):

It is anticipated that private utility companies have adequate capacity to serve the Project site, and that no related adverse impacts are anticipated. Coordination with each private utility company by future tenants will be required to ensure adequate capacity and the ability to serve the tenant's individual needs.

2.2.4.5 WATER SUPPLY

Long-Term Unavoidable Increased Water Demand:

As indicated in DGEIS Appendix 5 Preliminary Engineering Report – Water and Sewer and further clarified in the FGEIS, at full build-out of the Proposed Project, the existing community water system (United Water) would not contain ample capacity to provide the necessary operating pressures, peak demands and required fire flows to the Project Site, consequently, extension of the existing system alone would not be adequate. Therefore, water storage improvements must be completed to provided the required operating pressures and fire flows at full build-out.

If the existing system were simply extended to the proposed development (i.e. extension of the existing 8-inch diameter watermain from the intersection of NYS Route 434 and Halstead Street to the proposed project site) supply only daily demands at minimum operating pressures and would not be capable of supplying the required fire flows. Fire Flows are commonly provided by a water storage facility. Therefore, to provide adequate fire flows, a water storage facility is required to be placed at the project site so that all facilities are provided with the Insurance Services Office required fire flows.

Extension of United Water's water system to the project site, as previously described, would not allow for filling of a water storage facility without the aide of a booster pump station. However, incorporation of a booster pump station at the project site designed specifically to fill a proposed water storage facility could potentially isolate the proposed water storage facility from other potential water users (i.e. Halstead Subdivision) that would aide in the turnover of said storage facility without additional water system

improvements. If adequate turnovers within a constructed water storage facility are not obtained, significant maintenance and health issues could result. Therefore, interconnection of the existing upper service zone (Halstead) with the proposed project water improvements would allow for existing water users to benefit from the introduction of proposed water storage facilities.

As discussed in more detail in DGEIS Appendix 5 Preliminary Engineering Report – Water and Sewer, the booster pump station that currently serves the United Water upper service zone (Halstead subdivision) is capable of producing nearly 1,272 gpm for fire flow purposes. Therefore, the existing Halstead Booster Pump Station could potentially provide the needed capacity to fill a proposed water storage facility on the 85-acre project site. The existing Halstead booster pump station is aging and lacks sufficient backup generation, therefore, it is recommended in the DGEIS Appendix 5 Preliminary Engineering Report that for reliability purposes, the existing Halstead booster pumps should be replaced and an adequate backup generation unit should be installed. Furthermore, final selection of the proposed water storage facility at the project site may play a role in the sizing of the Halstead booster pump station replacement pumps.

Need for System Redundancy

The water distribution system located south of the Susquehanna River relies solely upon a single 8-inch diameter river crossing for a water supply. In the event that the existing river crossing fails, the southern portion of the river would be without a water supply. To ensure a reliable water supply, improvements including the construction of a new groundwater supply well south of the Susquehanna River or the installation of a redundant river crossing should be pursued.

Therefore, provided the above mitigation measures are instituted, the Project is not anticipated to result in significant adverse impacts related to the increase in demand for public water.

2.2.4.6 SEWAGE TREATMENT

Long-Term Unavoidable Increase in Sewer Load:

The Project is expected to result in an increase in sewer load. This projected increase is not anticipated to result in any adverse impacts on the ability of the Village-owned wastewater treatment plant to effectively treat waste. The current treatment plant is operating under its maximum treatment capacity and will therefore be able to treat the additional flow.

In order to accommodate the proposed Project, a new gravity sanitary sewer will be installed to service the southern portion of the project site.

Lackawanna Pump Station

In order to handle the additional load from the Project, each pump within the Lackawanna pump station should be capable on conveying the peak hourly flow rate. Specifically, the existing pumps should be

replaced with variable speed pumps that will better handle the potentially varying flow rates that will be experienced throughout the proposed development. When contemplating replacement of the existing pumps, the design engineers should also evaluate the capacity of the wet well as well as the capacity of the suction piping. Furthermore, the design engineer should consult Mr. Ron Horton of the Village of Owego to discuss the condition of the existing pump station (i.e. pumps, controls & pump removal system) in evaluating whether the pump station should be rehabilitated or upgraded. In completing the preliminary engineering report, Mr. Horton indicated to Hunt Engineers, that there had been maintenance issues with the existing pump station.

Provided the above described mitigation is implemented, the Project is not anticipated to result in significant adverse impacts related to the projected increased sewer load.

2.2.4.7 SOLID WASTE DISPOSAL

Long-Term Unavoidable Increase in Solid Waste Generation:

No impacts are anticipated as a result of the Project increase in solid waste generation.

2.2.5 SOCIOECONOMIC CONDITIONS

2.2.5.1 HOUSING

Positive Impact Associated With an Increase in the Availability of Needed Housing Choices:

The Project is anticipated to result in an overall positive impact associated with an increase in the availability of needed housing choices. Specifically, the net impact on the housing market is that the Project is anticipated to: (1) provide new housing that is needed, but is currently either in short supply or unavailable (i.e.: rental housing for seniors); and (2) indirectly increase the availability of existing housing that is also in demand (i.e., affordable single family homes). The Project thus facilitates a transition of current residents that have lived in their current homes for a number of years, but now have a different lifestyle or housing need, to a more appropriate and desirable living arrangement that is still within their home community. The transition precedes a step further, with these older homes (which are typically more affordable than new construction) becoming available for younger families.

2.2.5.2 SUPPORT FACILITIES

Minimal Long-Term to No Impacts Anticipated Related to the Provision of Recreational and Community Facilities:

The Project will include a number of on-site amenities and facilities for residents that will minimize the impact on existing Town Facilities.

2.2.5.3 ECONOMIC IMPACTS

Positive Long-Term Economic Impacts:

The Project is anticipated to result in positive impacts related to an increase in sales and property tax revenue, along with the benefits associated with the projected increase in temporary and permanent jobs.

2.2.6 CULTURAL RESOURCES

2.2.6.1 HISTORIC AND ARCHEOLOGICAL RESOURCES

Historic and Archeological Resources:

As described in the FGEIS, a Phase IB report was prepared for the section of the Project Site wherein the Phase 1A Offices are proposed as described in the DGEIS and depicted on Map 2 in the Phase IB Report. Fieldwork included the excavation of screened shovel test on a 50-foot grid over the 8.25 acres that are proposed for the first phase of development (Phase 1A Offices) within the 85 acre Project Site.

Based on the analysis, no historic Sites were found. One chert flake was retrieved, but no further precontact artifacts, features, or deposits were noted in eight close-interval confirmation tests. Based upon these results no further investigation in the Phase 1A (8.25 acres) section of the 85-acre project site is recommended. The full Phase IB Report is located in the FGEIS as Appendix B.

Based on the Phase IB, the Phase 1A Office component of the Project is not anticipated to result in significant adverse impacts on historic and/or archeological resources for the area depicted on Map 2 of the Phase IB Report.

A Phase IB for the remainder of the Project Site and coordination with OPRHP will be required in order to determine potential impacts on historic and/or archeological resources related to the full build-out of the proposed Project.

2.2.6.2 VISUAL RESOURCES

Unavoidable Long-Term Views of the Project From Off-Site Locations:

The project will result in a permanent change in the visual character of the area. Views will most likely be sporadic and minimal, however those that live adjacent to the property will be exposed to the project for long periods of time and will therefore be affected the most. A visual impact assessment should be considered prior to implementing the final design to ensure the Project will not result in significant adverse visual impacts.

2.2.6.3 NOISE

Unavoidable Short-Term Increases in Noise Associated With Construction:

While the Project will result in unavoidable increases in noise levels on and immediately adjacent to the site related to construction activities, they would be short-term in duration, and due to anticipated noise attenuation and the proposed hours of construction, any noise generated from the Site is not anticipated to result in significant adverse impacts.

2.2.7 ENVIRONMENTAL CONDITIONS

The Phase I Environmental Site Assessment (ESA) and related site inspections did not reveal any impacts to soil or groundwater quality. No environmental concerns are present in this area.

2.2.8 CUMULATIVE IMPACTS

No adverse cumulative impacts are anticipated that cannot be mitigated.

Section 3 Future SEQRA Actions

Tioga County IDA has issued the DGEIS, FGEIS and this Findings Statement, as Lead Agency, in connection with its decision to approve the Route 434 E=mt³ Mixed Use Office Park Project. This decision, however, is the first of a series of regulatory approvals required for development of the proposed Project. In order to assess the potential environmental, social, and economic impacts of the proposed Project, as well as reasonably anticipated site specific environmental impacts of the proposed Project, as well as reasonably anticipated site specific environmental issues, a concept plan was prepared.

This concept plan has enabled involved agencies and the public to alert the Lead Agency to potential impacts that must be addressed in the actual detailed site plans to be prepared in the future. At the time a specific site plan for actual development being proposed is submitted to the Town and/or Village of Owego in conjunction with the other involved agencies will determine whether any further proceedings under SEQRA are required.

This Findings Statement together with the DGEIS and the FGEIS sets forth conditions under which future actions (i.e., site-specific projects) associated with the concept plan can be undertaken, including requirements for any subsequent SEQRA compliance.

Pursuant to 6 NYCRR 617.10(d), no further SEQRA review will be necessary if a future action associated with the proposed Project concept plan is undertaken in conformance with the baseline conditions established in the DGEIS and the analysis of the potential impacts and recommended mitigation measures discussed in the DGEIS, FGEIS and this Findings Statement.

In instances where a future action associated with implementation of the Proposed Project is not in conformance with the conditions and generic thresholds established in the DGEIS and FGEIS will be required to assist the Lead Agency in the evaluation of conformance with the DGEIS, FGEIS and Findings Statement, as well potential adverse impacts related to such action. Thereafter, one of the SEQRA compliance steps will be carried out:

1. Amended Findings Statement: If the future action was found to be adequately addressed in the DGEIS and FGEIS, but was not addressed or inadequately addressed in this Findings Statement, an amended Findings Statement will be prepared; or
2. Negative Declaration: If the future action was not addressed or was not adequately addressed in the DGEIS or FGEIS and the subsequent action will not result in any significant environmental impacts, a negative declaration will be prepared; or
3. Supplemental EIS: If the future action was not addressed or was not adequately addressed in the DGEIS or FGEIS, and such action may have one or more significant adverse environmental impacts, a Supplemental EIS will be prepared.

Section 4 Lead Agency Findings and Decision

When comparing the potential adverse impacts which may occur as a result of the proposed Project while taking into consideration the associated proposed mitigation as outlined above, in the DGEIS and the FGEIS; and the identified positive economic impacts associated with the proposed Project, the Tioga County Industrial Development Agency, as Lead Agency, has determined that the Project should proceed as proposed.

Certification of Findings

Having considered the relevant environmental impacts, facts, and conclusions disclosed in the DGEIS and FGEIS and weighed and balanced relevant environmental impacts with social, environmental, public health, economic, and other essential considerations as required in 6 NYCRR 617.11, the Tioga County Industrial Development Agency, as Lead Agency certifies that the requirements of 6 NYCRR Part 617 have been met and that, consistent with social, environmental, public health, economic, and other essential considerations:

From among the available alternative thereto, the action to be approved is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and,

The adverse environmental impacts revealed in the DGEIS and FGEIS will be avoided or minimized to the maximum extent practicable by incorporating those mitigative measures that were identified as practicable.