

**Proposed Amendments to the
Oakfield Alabama Comprehensive Plan
to Establish the Western New York
Science and Technology Advanced Manufacturing Park**
(Appendix _ to the DGEIS for the STAMP Project)
April, 2011

I. Introduction

The Genesee County Economic Development Center ("GCEDC") has proposed establishment of the Western New York Science & Technology Advanced Manufacturing Park ("STAMP" or "Project") to be located on 1,337.2 acres of land ("STAMP Site") located in the Town of Alabama, Genesee County, New York. The STAMP Site, located along New York State Highway 77/63 approximately 5 miles north of the New York State Thruway, is comprised of twenty three separate parcels, the majority of which are utilized for farming and agricultural uses. A map showing the location of the STAMP Site is attached hereto as *Appendix 1, Figure 1*.

In May and November of 2007, GCEDC conducted four "Town Hall Meetings" at the Town of Alabama Fire Hall in order to discuss the idea of locating a science and technology park in the Town of Alabama. The format of the Town Hall Meetings included PowerPoint presentations describing typical character and makeup of technology manufacturing sites and facilities in other locations followed by question and answer periods.

Following the November 2007 Town Hall Meetings, GCEDC conducted a community opinion survey of residents and property owners in the Town of Alabama to determine the community's view towards continuing to investigate the feasibility of developing a science and technology park within the Town. The central question that the survey asked was whether community residents would support continuing and finalizing a comprehensive feasibility study for the science and technology park initiative. The survey response rate was 42%, and of those responding, 78% indicated support for continuing the feasibility study.

In November of 2008, IDC Architects/CH2M HILL completed a Feasibility Study for STAMP for the GCEDC. The study concluded that the STAMP Site would be attractive to technology manufacturing companies due to a range of factors, including low-cost hydro power, a superb higher education system proximate to the STAMP Site, a large available development footprint and the availability of State incentives. The master plan developed for the feasibility study indicates that over six million square feet of technology manufacturing and support uses, along with office, retail and possibly a renewable energy demonstration center, can be accommodated on the STAMP Site at build-out in an ultra-low density configuration resulting in a floor area to total site area ratio of 0.16. The master plan also suggests investigation of a strong renewable energy theme for the STAMP development.

The majority of the STAMP Site is zoned A-R (Agricultural-Residential). The southeast corner of the STAMP Site is part of the John White Wildlife Management Area and is zoned L-C (Land Conservation). The existing zoning would not accommodate the development of STAMP. Accordingly, the Town Board of the Town of Alabama is considering entering into an Incentive Zoning Agreement (“Agreement”) with the GCEDC or its affiliate, the Genesee County Gateway Local Development Corporation (“GCLDC”). Pursuant to the Agreement, in exchange for providing certain public amenities to the Town which will inure to the benefit of the community as a whole, the Town will rezone the STAMP Site to a newly created Technology District to address the Project’s unique needs. A copy of the Incentive Zoning Application for the Project is attached hereto as *Appendix 1*. The proposed Agreement includes the proposed zoning regulations for the new Technology District (See *Exhibit A*).

The purpose of the new Technology District is to accommodate the development of advanced technology manufacturing at the STAMP Site. The Technology District accommodates large-scale advanced technology use, research, development, demonstration and manufacturing within areas designated Technology District 1 – TD1 and supporting light industrial, commercial and retail activity within areas designated either Technology District 1 or Technology District 2 – TD2. Technology District 3 – TD3 in the northeast corner of the STAMP Site, and which is in close proximity to the Hamlet of Alabama commercial/residential corridor, is limited to smaller buildings which would accommodate retail related and professional office uses. In addition to providing Technology Manufacturing Support, Technology District 2 and Technology District 3 are designed to serve as a buffer in appropriate circumstances between more intensive land uses in Technology District 1 and any adjoining Residential and/or Agricultural-Residential Districts. A zoning map amendment showing areas of the STAMP Site, including a surrounding 100 foot buffer zone that will remain unchanged, is attached as *to Appendix 1, Figure 2*.

II. Genesee County Smart Growth Plan

On May 9, 2001, the Genesee County Legislature adopted the Genesee County Smart Growth Plan (“Smart Growth Plan”) as a mitigation measure associated with the Genesee County Water Supply Project. The purpose of the Smart Growth Plan is to minimize the impacts from additional growth and development that would otherwise occur as a result of the extension of water service. In particular, the Smart Growth Plan is designed to limit the conversion of agricultural lands to non-agricultural uses. Over the decade or so since the Smart Growth Plan was originally adopted, the document has become a guiding force in Genesee County for farmland protection and discouraging development that is not consistent with the general principles of “smart growth.”

Specifically, the Smart Growth Plan helps control growth by limiting the ability of landowners to hook up to public water supplies for new development outside of designated development areas. Within designated development areas, development and redevelopment is encouraged and there are no restrictions on water hook ups. Outside of designated development areas, access to the water system is limited to pre-existing structures and agricultural uses.

All other proposed development requires a case-by-case review based upon agricultural impacts, consistency with economic development goals, other available infrastructure and local comprehensive plans and zoning laws. The County also evaluates the impact upon City/Village

revitalization programs and public health or other community needs. The Smart Growth Plan designates three Smart Growth development areas within the Town of Alabama. They are identified as follows:

1. Hamlet of South Alabama: Route 63 and Maple Street Road.
2. Hamlet of Basom: Route 77 at Bloomingdale Road.
3. Hamlet of Alabama: Route 77 at Lewiston Road.

In 2007, the designated development area at the Hamlet of South Alabama was expanded by 24 acres along the west side of Knowlesville Road, north of Judge Road. The Genesee County Smart Growth Plan now requires a review of the Smart Growth Development boundaries every three years (originally it was a two-year cycle). However, revisions can take place prior to a review year (the next review will be in 2013) if a municipality requests a change. After the local legislative body of a municipality indicates in writing that a change to its Smart Growth Development Area boundaries is desired and submits it to the County Legislature, the County Department of Planning evaluates the request and makes a recommendation to the County Legislature. The County Legislature then chooses to amend the Smart Growth Development Areas or take no action. As part of the review process, the County evaluates the impact upon City/Village revitalization programs and public health or other community needs. If the requested amendment is approved, the Smart Growth Plan is then amended.

III. The Existing Oakfield Alabama Comprehensive Plan

In 2004/2005, the Town of Alabama, the Town of Oakfield and the Village of Oakfield undertook a joint planning effort which culminated in the Oakfield Alabama Comprehensive Plan ("Comprehensive Plan"). The Comprehensive Plan was prepared and adopted by the Town of Alabama in conformance with NYS Town Law Section 272-a and was designed to be consistent with the principles of the Genesee County Smart Growth Plan. Along these lines, the Comprehensive Plan designates development areas within which development would be encouraged.

Although the Comprehensive Plan was a joint planning effort designed to formulate a common vision for managing future growth and development, the Town of Alabama was individually responsible for adopting the relevant portions of the Comprehensive Plan and is individually responsible for implementation.

The Comprehensive Plan identified seven specific goals and objectives for the Town of Alabama which represents a consensus of the community's values and vision:

- Protect, promote and preserve agriculture.
- Maintain and enhance community character.
- Provide potable water to appropriate areas of the Town.
- Protect the environmental features and resources.
- Provide for economic development.

- Maintain and promote efficiency of government.
- Encourage a diversity of housing types.

In order to achieve these goals and objectives, the Comprehensive Plan outlines a number of implementation strategies for the Town including:

- Revise the Agricultural-Residential zoning district to build upon the intent that agricultural uses are primary uses in the district.
- Work with Genesee County to expand the designated development areas within the Smart Growth Plan in a manner that does not impact agriculture and fully utilizes the existing infrastructure located in the Town of Alabama. The Vision Map depicts larger long-term planning areas. The development areas delineated in the existing Smart Growth Plan closely follow the existing pattern of hamlet development and represent appropriate limits for sustaining short term growth. As future demand for growth may dictate, the development area boundaries should be expanded to correspond with the Vision Map.
- Draft a set of rural development guidelines that provide written standards and graphic examples to ensure that the vision for growth and development set forth in this document is achieved.
- During future reviews of the County's Agricultural District, recommend to Genesee County that non-agricultural lands be removed from the district. This is primarily the case in Basom and South Alabama.
- Investigate residents' requests/needs for public water due to public health and safety concerns.
- Relocate existing Town Hall, along with other Town facilities, to the hamlet of Alabama.
- Work with Genesee County and the Town of Oakfield to investigate the feasibility and potential funding for a rails-to-trails project on the abandoned Penn Central rail corridor.

The Comprehensive Plan must be formally amended if the Project is to proceed.

IV. Current Conditions in the Town of Alabama

The Town of Alabama is located in the northwest part of Genesee County in Western New York. The Town encompasses 42.8 square miles and is bounded by Orleans County to the north and Erie and Niagara County to the West. Existing conditions, as described in the Comprehensive Plan, have not changed substantially since the Comprehensive Plan was finalized in 2005. According to the most recent census data, the current Town population is 1,869 people, a decline of 12 people since 2000. According to the economic data collected in support of the Economic Impact Analysis for the Western New York Science & Technology Advanced Manufacturing Park ("Economic Impact Report"), which is found in the DGEIS prepared in support of the STAMP Project, the median age of a Town resident is slightly younger (36.3) than the remainder of Genesee County (37.9).

Also according to the Economic Impact Report, the median household income has risen in both the Town and the County since 2005, but lags behind surrounding communities. Current median income in the Town is estimated at \$53,101 as compared to Genesee County, which is estimated at \$55,746. Over the past few years, the median household income in the Town has grown at a rate of 0.78% and in the County at a rate of 0.87%. By comparison, the growth rate in the eastern part of Niagara County has been 2.82%, Orleans County has been 2.97% and the eastern part of Erie County has been 3.21%.

There are currently approximately 642 households in the Town. Only 44 (7%) of homes in the Town of Alabama are currently served by public water and none are served by public sewer. The Town also lacks widespread access to broadband services.

In March 2010, Chatfield Engineers prepared a preliminary engineering report for the Town of Alabama examining the cost and feasibility of providing public water supply and protection to as many as 411 additional homes in the Town of Alabama. This project, which generally consists of installing approximately 103,720 linear feet of 6-12 inch diameter PVC water main, valves, fire hydrants, water services and appurtenances throughout various portions of the Town of Alabama including the STAMP Site, would increase the number of residential homes in the Town of Alabama served by public water to 455 or approximately 70% of the Town's households. The estimated capital cost of this water system is approximately \$5,208,930. Of this amount, the Town of Alabama is pursuing a United States Department of Agriculture ("USDA") grant of \$1,540,000, leaving a net local share of \$3,668,930. The primary impetus for the water supply expansion in the Town of Alabama is to protect public health and safety. According to the Town's preliminary engineering report, residents in the Town not served by public water have experienced problems with poor water quality, insufficient water quantity and contamination of existing well supplies by failing septic systems. In addition, residents face high costs to operate and maintain existing well supplies and most of the Town lacks access to water for fire protection. Providing public water would resolve these important public health and safety needs for a large portion of the Town. Unfortunately, the availability of USDA grants is currently very limited.

V. The STAMP Project

The DGEIS analyzes several alternatives for the STAMP Site. The Preferred Alternative includes 6.1 million square feet of development, including, among other things, technology manufacturing facilities, flex space and support facilities, office space, retail support uses, a new multi-use Town Hall building site, and a network of open space and trails that meander throughout the property. The purpose of the Project is to develop STAMP as a world-class high technology manufacturing center, with a focus on renewable energy, serving as an economic development engine central to the economic sustainability and well-being of the western portion of New York State. The Project goals and objectives center around the creation of a large scale, shovel-ready high tech site of 1,337.2 acres built in a sustainable, campus-style setting. The STAMP Project focuses on attraction of large technology manufacturing facilities needed to compete in the global advanced manufacturing marketplace, and will be developed to accommodate world-class high tech companies. STAMP will provide economic development opportunities not currently offered in the region, and will offer a variety of jobs for the residents

of the Town of Alabama, Genesee County, and the greater Buffalo-Niagara and Rochester regions.

The Project is designed to be a campus setting, meaning that development is respectful of and compliments its natural landscape and the Project will be developed at a low density. In response to community comments, landscape buffers will surround the Project along property lines shared with existing houses, roads, and the hamlet of Alabama in order to maintain existing viewsheds as well as the rural character of the area surrounding the Project. In addition, a ridgeline that runs between the existing hamlet of Alabama will remain undeveloped to provide visual separation between the hamlet and the Project. Central to the Project's open space system is the large wetland system that crosses the Site. The wetlands area will accommodate both an existing headwater stream, as well as the re-routing of another headwater stream, and its associated habitat and wetlands will be preserved and enhanced. This natural corridor, along with the Whitney Creek corridor and various wetlands throughout the campus, will anchor the open space system. A trail network will weave its way throughout the campus, and will be a useful amenity for both workers at STAMP and the Town at large.

There will be two main entry points to the Project site. At build-out, a boulevard entry will extend from NYS Route 77-63 to the heart of the campus. However, Crosby Road will be the Phase 1 access point to the campus, and will be the internal spine that connects the various development areas together, as well as links the internal road network. The intersection of Crosby Road and the boulevard entry from NYS Route 77-63 will lead to and define the center of STAMP.

Ultimately, the building layouts illustrated in the Preferred Alternative will be determined based on the needs of companies that locate at STAMP. The exact placement of buildings within the various development areas will respond to market demand and building prototypes proposed by the individual companies that locate at STAMP. Parking and service areas will be associated with the various development sites, and will be built to serve the needs of the build-out of each parcel. Parking is envisioned as surface lots located throughout the Site. Adequate parking spaces will be provided in accordance with the zoning requirements set forth for the district in the Technology District (TD1, TD2 and TD3) developed for STAMP. Reviews and permitting, as required by the Town, will occur on a development by development basis, as companies decide to locate and develop specific areas at STAMP.

The Project will augment the region's existing economy through the development of jobs and businesses competitive in a global technology marketplace.

- Expected Employment Growth and Economic Impact
 - Direct Impact: The Project will lead to the employment of approximately 9,330 employees at full build-out.
 - Indirect Impact: During the development stage the Project will provide 1,400 to 2,900 direct and indirect jobs related to construction activities. The Project will also create long-term indirect employment, including a wide variety of

service industry providers, material suppliers, retail establishments and professional service providers.

Not only will STAMP offer economic benefits, the Project will offer fundamental benefits to the Town of Alabama and Western New York as a whole. Throughout the extensive public outreach, education, and Project planning process, the community voiced concerns about the area losing highly-educated, local young people due to the lack of well-paying jobs in the community. The Project will address this core community value and concern through the creation of 9,330 potential jobs over its long-term build-out, providing a diversified offering of employment options throughout its construction and operational stages.

In addition, the following specific Project objectives were identified:

- Create well-paying, 21st century jobs in the local community.
- Reduce the ‘brain drain’ of young people leaving the community.
- Provide increased revenues to support local community services.
- Provide enhanced utility infrastructure, such as water, sewer, natural gas, and broadband.
- Become a demonstration of sustainable development.
- Create a ‘place of pride’ in the community.

In addition to these community-specific benefits, the Project presents a significant opportunity to leverage New York State’s high tech investment in a similar manner as has been done in the eastern part of the State, providing a balanced economic engine across New York.

VI. Incentive Zoning Agreement

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York (“Town Law”) and, in particular, Section 261-b of the Town Law and Article XI of the Town of Alabama Zoning Law (“Zoning Law”), in exchange for certain public amenities which shall be provided to the Town of Alabama that will inure to the benefit of the community as a whole, the Town of Alabama is considering providing certain zoning incentives to the GCEDC. Specifically, the Town is considering creating a special technology zoning district for STAMP which will govern all development on the STAMP Site. The purpose of the newly created Technology District would be to accommodate the development of advanced technology manufacturing at the STAMP Site. A copy of the Incentive Zoning Application for the Project is attached hereto as *Appendix 1*. A copy of a draft of the proposed zoning regulations for the new Technology District is attached as *Exhibit A to Appendix 1*.

The Technology District is divided into three sub-districts. Technology District 3 – TD3 in the northeast corner of the STAMP Site, and which is in close proximity to the Hamlet of Alabama commercial/residential corridor, is limited to smaller buildings which would accommodate retail related and professional office uses. Technology District 2 – TD2 would allow all uses permitted within TD3 plus light industrial uses, warehousing and distribution, community and cultural facilities, and technology demonstration facilities. Technology District 1 – TD1 would allow all

uses permitted within TD2 and TD3 plus large-scale advanced technology use, research, development, demonstration and manufacturing. The entire perimeter of the STAMP Site would be surrounded by a 100-foot wide buffer that while part of the STAMP Site, would remain under its current zoning designation. This 100-foot wide area would serve as a buffer zone to all surrounding uses that abut the STAMP Site. An additional 300 foot open space buffer would be required along the edges of STAMP TD1 and TD2 Districts that abut offsite Residential and/or Agricultural-Residential Districts. The STAMP TD3 District would not be subject to the 300 foot buffer requirement, as the intent of the TD3 District is to integrate with the character of the existing Hamlet of Alabama. A zoning map amendment showing the areas of the STAMP Site proposed to be rezoned to TD1, TD2 and TD3 is attached as *Figure 2, to Appendix 1*.

In exchange for granting these zoning incentives, the GCEDC or its affiliate, the GGLDC, has proposed providing:

1. **Water Supply Infrastructure:** In 2010, the Town Board commissioned a Public Water Feasibility Study, which identified a need for the installation of a public water service project to protect public health and safety by providing municipal water to approximately 70% of the households in the Town of Alabama at a total estimated cost of \$5,208,930.00 ("Water Project"). GCEDC will install, as a zoning incentive contribution to the Town, certain public water infrastructure which is part of the Water Project and which overlaps with water infrastructure necessary to supply STAMP with water for the Initial Phase of STAMP (hereinafter referred to as "Overlapping Water Infrastructure"). GCEDC will install the Overlapping Water Infrastructure in conjunction with the development of the initial phase of STAMP. Once installation of the Overlapping Water Infrastructure is complete, ownership of the Overlapping Water Infrastructure will be transferred to the Town at no cost to the Town. Based on the Town's current cost estimates for the Water Project, it is anticipated that this action will save the Town approximately \$1,900,000 on the cost of the Water Project.
2. **Water Supply Contribution Funds:** Upon commencement of construction of the Overlapping Water Infrastructure, GCEDC will pay to the Town the sum of \$1,648,673.00 as a zoning incentive contribution to be used by the Town Board for the Water Project. Based on the Town's current cost estimates, it is anticipated that such contribution, together with the construction of the Overlapping Water Infrastructure, will reduce the Town's cost for the Water Project to approximately \$1,650,000 bringing the cost of the Water Project well below New York State Comptroller guidelines for water service costs.
3. **Real Property for Town Hall:** Upon written request by the Town, GCEDC shall grant to the Town, at no cost to the Town, fee title of up to three (3) acres of vacant land on the STAMP Site for the purpose of the Town relocating the Town Hall and constructing a new Town Hall on such land. GCEDC's obligation to transfer such land is contingent on GCEDC first completing the Initial Phase of STAMP, GCEDC being the fee owner of the land requested to be conveyed to the Town, and the specific location of such land being mutually agreed upon by the Town and GCEDC. In addition, upon completion of 50% of the planned build-out of STAMP (i.e., at least 3,050,000 square feet of building space has

been constructed), GCEDC will pay the Town the sum of \$800,000 as a zoning incentive contribution to be used by the Town Board for the relocation, design and/or construction of a new Town Hall.

4. Town Hall Funds: GCEDC shall request that any communications service providers for the Initial Phase of STAMP install or cause to be installed broadband communications infrastructure to STAMP in a manner that would facilitate expansion of such service to other portions of the Town.

VII. STAMP's Consistency with Comprehensive Plan

As part of the rezoning process necessary for STAMP, the Town must consider the Project's consistency with the Comprehensive Plan.

STAMP, as currently proposed, is very consistent with a number of the community's values and vision as articulated in the Comprehensive Plan including providing for economic development, protecting environmental resources and features and providing potable water to appropriate areas of the Town.

In terms of economic development, the Comprehensive Plan states that "The expansion of commercial and industrial growth, and other economic development activities, helps provide jobs and build a stronger tax base." (Comp. Plan p. 5-12). The Comprehensive Plan further states, "A majority of the respondents believe that commercial and industrial growth is needed in Alabama." (Comp. Plan. p. 5-2). The Project will undoubtedly assist the Town by increasing needed commercial and industrial growth and development in the Town. The Project will also provide employment opportunities and will improve the community's tax base. The Comprehensive Plan recommends targeting locations for these industrial and commercial ventures along Route 77. The Project will conform to the preferences of the Town in this respect, as well, because STAMP will be located along Route 77.

In terms of protecting the Town's environmental features and resources, STAMP has been designed in an environmentally sensitive manner to protect wetlands and stream corridors across the 1,337.2 acre site. (See DGEIS Section 6.2). Thus, the development of STAMP, as envisioned, will ensure long-term protection of hundreds of acres of important environmental features and resources.

The Project also has some inconsistencies with community values and visions as spelled out in the Comprehensive Plan. The primary inconsistency found between STAMP and the Comprehensive Plan centers around the Town's goal to preserve farmland. Farming is the most prevalent land use in the Town and it is the primary industry in Genesee County. Accordingly, much of the Comprehensive Plan focuses on farmland preservation. One of the reasons that the preservation of farmlands is preferable because farmlands form a stable tax base and are net positive taxpayers, meaning farmland costs less in services than it pays in taxes. According to the Comprehensive Plan, residential development, as opposed to farmland, is more costly. Residential development costs the Town more in services, than it offers in taxes. Therefore,

much of the Comprehensive Plan focuses on the preservation of farmland as opposed to allowing unbridled residential development.

While STAMP will result in a loss of farmland, it is not a loss attributable to residential uses. Nonetheless, the conversion of prime farmland is inconsistent with the Comprehensive Plan's goals. In order to mitigate the Project's impact upon agricultural resources, the DGEIS for the Project includes a Farmland Protection Strategies Report ("FPSR") specifically tailored to the Town of Alabama. The FPSR will not include any mandates or requirements; it is designed to merely provide potential options and suggestions specifically tailored for the Town of Alabama. The FPSR will collect and consolidate information and resources that will be helpful to local farmers and the Town representatives. The FPSR also suggests methods and strategies that the Town can adopt to further protect, promote and preserve farmland within the Town. The Town and the community can then consider the suggested options and can pursue the choices that are preferred by Town representatives and the public. Thus, while the Project is inconsistent with the Comprehensive Plan in terms of conversion of farmland to non-agricultural use, the Project provides the Town an opportunity to develop and implement a Town-wide comprehensive Farmland Protection Plan based on the strategies outlined in the FPSR, and ensure farmland protection throughout the rest of the Town for generations to come.

VIII. Proposed Amendments to the Comprehensive Plan

The Comprehensive Plan is designed to grow and change with the Town when circumstances change or new opportunities develop. The Comprehensive Plan states, "This Plan is an active document and over time, as local situations change, so may the priorities of each community." Obviously, the STAMP Project is a new opportunity that was not anticipated at the time of the Comprehensive Plan. Thus, it is appropriate to reconsider certain aspects of the Comprehensive Plan and make amendments necessary to accommodate STAMP. The following formal amendments to the Comprehensive Plan are necessary to accommodate STAMP:

1. The STAMP Project as described herein, and in more detail in the GEIS, is hereby incorporated into the Comprehensive Plan and the implementation of STAMP in a manner consistent with the Final Generic Environmental Impact Statement and any findings issued thereunder is a goal of the Town of Alabama.
2. The STAMP Site is rezoned to Technology District pursuant to and consistent with the terms of the Incentive Zoning Agreement attached hereto.

Section 8 of the Comprehensive Plan, which is entitled, "Annual Review" sets out the process that is to be used to periodically evaluate and amend the Comprehensive Plan. The Comprehensive Plan suggests that the Planning Board (or other Committee designated by the Town to handle Comprehensive Plan issues) should annually update the Implementation Plan found in Section 6.0 of the Comprehensive Plan. Annual changes to the Implementation Plan are to be incorporated into the Town's planning files through a formal acceptance by the appropriate legislative board, here the Town Board.

The formal acceptance is outlined in Town Law 272-1. Amendments to Comprehensive Plans are adopted by the process outlined in Town Law 272-a. The process begins by the preparation

of a Comprehensive Plan amendment. In general, a Comprehensive Plan amendment is usually prepared by the Town Board and then adopted. In this matter, the STAMP Project sponsor, in conjunction with the DGEIS process, has prepared this draft of a proposed Comprehensive Plan amendment which will be utilized for purposes of completing the SEQR process for STAMP. In the event that the Town Board issues favorable written findings at the conclusion of the SEQR process, the Town Board could utilize this draft Comprehensive Plan Amendment as the basis to initiate a separate Comprehensive Plan amendment process. The Town Board would then refer the proposed amendment to the NYS Department of Agriculture for review pursuant to Ag. & Mkt. Law Section 305-a and to the County Planning Board review pursuant to General Municipal Law Section 239-m. The Town Board may also refer the amendment to the Planning Board for its review and recommendation.

Following the Planning Board's review, pursuant to Town Law Section 272-a (6)(b), the Town Board will hold one or more public hearings to provide for an additional opportunity for citizen input and participation. Notice of the public hearing must be at least 10 calendar days in advance of hearing in a newspaper of general circulation and the proposed amendment must be available for public review during this 10-day period at the Town Clerk's office. After public hearing, the Town Board may adopt the amendment by resolution. The adopted amendment must then be filed with the Town Clerk and the County Planning Board.

IX. Conclusions

The proposed STAMP Project is a world-class high technology manufacturing center, with a focus on renewable energy, and, if approved, will serve as an economic development engine central to the economic sustainability and well-being of the western portion of New York State. While the proposed Project is consistent with the Town of Alabama's existing Comprehensive Plan in a number of important ways, a project the size and scope of STAMP was simply not envisioned at the time the Comprehensive Plan was adopted. Thus, the Town must formally amend its Comprehensive Plan in order for STAMP to proceed.

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APPENDIX 1

INCENTIVE ZONING APPLICATION



Phillips Lytle LLP

Town Board
Town of Alabama, New York
2218 Judge Road
Oakfield, NY 14125

April 1, 2011

Re: Incentive Zoning Application
Science & Technology Advanced Manufacturing Park
Route 77, Town of Alabama, New York

Dear Ladies and Gentlemen:

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As you know, this Firm represents the Genesee County Economic Development Center and its affiliate, the Genesee Gateway Local Development Corporation ("GCEDC") with regard to land use and zoning matters associated with the proposed Western New York Science & Technology Advanced Manufacturing Park ("STAMP" or "Project") to be located on 1,337.2 acres of land ("STAMP Site") in the Town of Alabama, Genesee County, New York. The STAMP Site, located along New York State Highway 77/63 approximately 5 miles north of the New York State Thruway, is comprised of twenty three separate parcels, the majority of which are utilized for farming and agricultural uses. A map showing the location of the STAMP Site is attached hereto as *Figure 1*. The majority of the STAMP Site is zoned A-R (Agricultural-Residential). The southeast corner of the STAMP Site is part of the John White Wildlife Management Area and is zoned L-C (Land Conservation). The existing zoning would not accommodate the development of STAMP.

Accordingly, on behalf of GCEDC, we are pleased to submit this incentive zoning application ("Application") pursuant to §1104(A) of the Town of Alabama Zoning Law ("Zoning Law"). As requested by the Town Board, the Application is being submitted while the State Environmental Quality Review Act ("SEQR") process for STAMP is being conducted. It is understood and acknowledged that the Town Board may not take any action on the Application until after the completion of the SEQR process for STAMP. It is further understood, that in addition to SEQR, the Town Board must comply with all other applicable State and local requirements relative to the rezoning of the STAMP Site pursuant to the Application.

ATTORNEYS AT LAW



The STAMP Project

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The proposed Preferred Alternative for STAMP includes 6.1 million square feet of development, including, among other things, technology manufacturing facilities, flex space and support facilities, office space, retail support uses, a new multi-use Town Hall building site, and a network of open space and trails that meander throughout the property. The purpose of the Project is to develop STAMP as a world-class high technology manufacturing center, with a focus on renewable energy industries, serving as an economic development engine central to the economic sustainability and well-being of western New York. The Project goals and objectives center around the creation of a large scale, shovel-ready high tech site of 1,337.2 acres built in a sustainable, campus-style setting. The STAMP Project focuses on attraction of large technology manufacturing facilities needed to compete in the global advanced manufacturing marketplace, and would be developed to accommodate world-class high tech companies. STAMP would provide economic development opportunities not currently offered in the region, and would offer a variety of jobs for the residents of the Town of Alabama, Genesee County, and the greater Buffalo-Niagara and Rochester regions.

The Project is designed to be a campus setting, meaning that development is respectful of and compliments its natural landscape and the Project would be developed at a low density. In response to community comments, landscape buffers would surround the Project along property lines shared with existing houses, roads, and the hamlet of Alabama in order to maintain existing viewsheds as well as the rural character of the area surrounding the Project. In addition, a ridgeline that runs between the existing hamlet of Alabama would remain undeveloped to provide visual separation between the hamlet and the Project. Central to the Project's open space system would be the large wetland system that crosses the Site. The wetlands area would accommodate both an existing headwater stream, as well as the re-routing of another headwater stream, and its associated habitat and wetlands would be preserved and enhanced. This natural



corridor, along with the Whitney Creek corridor and various wetlands throughout the campus, would anchor the open space system. A trail network would weave its way throughout the campus, and would be a useful amenity for both workers at STAMP and Town residents.

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The Project would augment the region's existing economy through the development of jobs and businesses competitive in a global technology marketplace.

- Economic Benefit
 - Expected Employment Growth and Economic Impact



- Direct Impact: The Project would lead to the employment of approximately 9,330 employees at full build-out.
- Indirect Impact: During the development stage the Project would provide 1,400 to 2,900 direct and indirect jobs related to construction activities. The Project would also create long-term indirect employment, including a wide variety of service industry providers, material suppliers, retail establishments and professional service providers.

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Not only would STAMP offer economic benefits, the Project would offer fundamental benefits to the Town of Alabama and Western New York as a whole. Throughout the extensive public outreach, education, and Project planning process, the community voiced concerns about the area losing highly-educated, local young people due to the lack of well-paying jobs in the community. The Project would address this core community value and concern through the creation of 9,330 potential jobs over its long-term build-out, providing a diversified offering of employment options throughout its construction and operational stages.

In addition, the following specific Project objectives were identified:

- Create well-paying, 21st century jobs in the local community.
- Reduce the 'brain drain' of young people leaving the community.
- Provide increased revenues to support local community services.
- Provide enhanced utility infrastructure, such as water, sewer, natural gas, and broadband.
- Become a demonstration of sustainable development.
- Create a 'place of pride' in the community.



In addition to these community-specific benefits, the Project would present a significant opportunity to leverage New York State's high tech investment in a similar manner as has been done in the eastern part of the State, providing a balanced economic engine across New York.

The Requested Incentive

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Section 1104(A) of the Zoning Law requires that an application for incentive zoning provide an explanation of the requested incentive. To accommodate the Project, GCEDC proposes the creation of a special technology zoning district for STAMP which will govern all development on the STAMP Site. The purpose of the newly created Technology District would be to accommodate the development of advanced technology manufacturing at the STAMP Site. A copy of a draft of the proposed zoning regulations for the new Technology District is attached as *Exhibit A*.

The Technology District is divided into three sub-districts. Technology District 3 - TD3 in the northeast corner of the STAMP Site, and which is in close proximity to the hamlet of Alabama commercial/residential corridor, is limited to smaller buildings which would accommodate retail related and professional office uses. Technology District 2 - TD2 would allow all uses permitted within TD3 plus light industrial uses, warehousing and distribution, community and cultural facilities, and technology demonstration facilities. Technology District 1 - TD1 would allow all uses permitted within TD2 and TD3 plus large-scale advanced technology use, research, development, demonstration and manufacturing. The entire perimeter of the STAMP Site would be surrounded by a 100-foot wide buffer that while part of the STAMP Site, would remain under its current zoning designation. This 100-foot wide area would serve as a buffer zone to all surrounding uses that abut the STAMP Site. An additional 300 foot open space buffer would be required along any abutting Residential and/or Agricultural-Residential



Districts that abut the STAMP Site.¹ A zoning map showing the areas of the STAMP Site proposed to be rezoned to TD1, TD2 and TD3 is attached as *Figure 2*.

The Proposed Amenity

Section 1104(A) of the Zoning Law requires that an application for incentive zoning provide an explanation of the proposed amenity or amenities. After extensive discussions with Town representatives regarding community needs and goals, the following amenities are proposed:

1. In 2010, the Town Board commissioned a Public Water Feasibility Study, which identified a need for the installation of a public water service project to protect public health and safety by providing municipal water to approximately 70% of the households in the Town of Alabama at a total estimated cost of \$5,208,930.00 ("Water Project"). GCEDC will install, as a zoning incentive contribution to the Town, certain public water infrastructure which is part of the Water Project and which overlaps with water infrastructure necessary to supply STAMP with water for the initial phase of STAMP (hereinafter referred to as "Overlapping Water Infrastructure"). GCEDC will install the Overlapping Water Infrastructure in conjunction with the development of the initial phase of STAMP. Once installation of the Overlapping Water Infrastructure is complete, ownership of the Overlapping Water Infrastructure will be transferred to the Town at no cost to the Town. Based on the Town's current cost estimates for the Water Project, it

¹ The 300 foot buffer requirement applies to TD1 and TD2 Districts only. The TD3 District would not be subject to the 300 foot buffer requirement, as the intent of the TD3 District is to integrate with the character of the existing hamlet of Alabama. The original April 1, 2011 letter to the Town Board was updated on April 14, 2011 to clarify this point.

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is anticipated that this action will save the Town approximately \$1,900,000 on the cost of the Water Project.

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2. Upon commencement of construction of the Overlapping Water Infrastructure, GCEDC will pay to the Town the sum of \$1,648,673.00 as a zoning incentive contribution to be used by the Town Board for the Water Project. Based on the Town's current cost estimates, it is anticipated that such contribution, together with the construction of the Overlapping Water Infrastructure, will reduce the Town's cost for the Water Project to approximately \$1,650,000 bringing the cost of the Water Project well below New York State Comptroller guidelines for water service costs.
3. Upon written request by the Town, GCEDC shall grant to the Town, at no cost to the Town, fee title of up to three (3) acres of vacant land on the STAMP Site for the purpose of the Town relocating the Town Hall and constructing a new Town Hall on such land. GCEDC's obligation to transfer such land is contingent on GCEDC first completing the initial phase of STAMP, GCEDC being the fee owner of the land requested to be conveyed to the Town, and the specific location of such land being mutually agreed upon by the Town and GCEDC. In addition, upon completion of 50% of the planned build-out of STAMP (i.e., at least 3,050,000 square feet of building space has been constructed), GCEDC will pay the Town the sum of \$800,000 as a zoning incentive contribution to be used by the Town Board for the relocation, design and/or construction of a new Town Hall.
4. GCEDC shall request that any communications service providers for the initial phase of STAMP install or cause to be installed broadband communications infrastructure to STAMP in a manner that would facilitate expansion of such service to other portions of the Town.
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The total value of the proposed amenities is estimated at \$4,656,257.00.

Community Benefits Associated with the Amenities

Section 1104(A) of the Zoning Law requires that an application for incentive zoning provide a narrative which describes the benefits to be provided to the community by the proposed amenity. In the case of STAMP, (aside from the benefits of the Project) as discussed below, the proposed amenities will inure to the benefit of the community as a whole.

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A. Public Water

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In March 2010, Chatfield Engineers prepared a preliminary engineering report for the Town of Alabama examining the cost and feasibility of the Water Project which would provide public water to as many as 411 homes in the Town of Alabama. The Water Project, which generally consists of installing approximately 103,720 linear feet of 6-12 inch diameter PVC water main, valves, fire hydrants, water services and appurtenances throughout various portions of the Town of Alabama including the STAMP Site. The Water Project would increase the number of residential homes in the Town of Alabama served by public water to 455 or approximately 70% of the Town's households. According to the preliminary engineering report, residents in the Town not served by public water have experienced problems with poor water quality, insufficient water quantity and contamination of existing well supplies by failing septic systems or pollution. In addition, residents face high costs to operate and maintain existing well supplies and most of the Town lacks access to water for fire protection. Providing public water would resolve these important public health and safety needs for a large portion of the Town.

The estimated capital cost of this water system is approximately \$5,208,930. Of this amount, the Town of Alabama is pursuing a United States Department of Agriculture



("USDA") grant of \$1,540,000, leaving a net local share of \$3,668,930. Unfortunately, the availability of USDA grants is currently very limited and the Town is unlikely to receive such funding within the next few years. Moreover, even with the grant, the cost of the proposed water system would exceed the NYS Comptroller guidelines for water service costs. Thus, the water infrastructure related amenities associated with STAMP would enable the Town to proceed with the installation of the Water Project at an acceptable cost.

B. New Town Hall

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In 2004/2005, the Town of Alabama, the Town of Oakfield and the Village of Oakfield undertook a joint planning effort which culminated in the Oakfield Alabama Comprehensive Plan ("Comprehensive Plan"). The Comprehensive Plan recommends that the Town pursue the relocation of the Alabama Town Hall to the area of hamlet of Alabama. The STAMP Site is in close proximity to the hamlet of Alabama. Thus, the Town Hall related amenities associated with STAMP would enable the Town to move forward with the relocation of Town Hall as specified in the Comprehensive Plan. A new Town Hall would help improve local government services for the citizens of the Town of Alabama for generations to come.

C. Broadband Services

In discussions with Town officials about Town needs in conjunction with the development of this application, broadband services were identified as lacking within the Town of Alabama. The deployment of broadband services to all Americans is a national priority. The Federal Government's National Broadband Plan presents a roadmap for the future of the internet in America (See www.broadband.gov/plan). The Plan shapes the future of economic opportunity, education, health care, energy and the environment, civic engagement, public safety/homeland security and government performance. Broadband is the great infrastructure challenge of the early 21st century.



Broadband is a foundation for economic growth, job creation, global competitiveness and a better way of life. It is changing how we educate children, deliver health care, manage energy, ensure public safety, and access, organize and disseminate knowledge. To the extent that the STAMP Project can facilitate the deployment of broadband services beyond the STAMP Site, there will be a community benefit.

Preliminary Indication of Adequate Infrastructure and Services

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Section 1104(A) of the Zoning Law requires that an application for incentive zoning provide a narrative which gives preliminary indication that there is adequate sewer, water, transportation, waste disposal and fire protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive and the amenity may place upon these facilities, beyond the demand that would be placed on them as if the district were developed to its fullest potential. With the improvements and amenities proposed in conjunction with STAMP, there will be adequate infrastructure and services to accommodate the Project. These issues have been studied extensively in the Draft Generic Environmental Impact Statement or DGEIS for STAMP and we respectfully refer the Town Board to that document for a complete discussion of these issues.

Consistency with the Master Plan

Section 1104(A) of the Zoning Law requires that an application for incentive zoning provide a narrative which explains how the amenity helps implement the physical, social or cultural policies of the Master Plan as supplemented by the local laws and ordinances adopted by the Town Board. As noted above, in 2004/2005, the Town of Alabama, the Town of Oakfield and the Village of Oakfield undertook a joint planning effort which culminated in the Town's adoption of the Comprehensive Plan. The Comprehensive Plan identified seven specific goals and objectives for the Town of Alabama which represent a consensus of the community's values and vision:



- Protect, promote and preserve agriculture.
- Maintain and enhance community character.
- Provide potable water to appropriate areas of the Town.
- Protect the environmental features and resources.
- Provide for economic development.
- Maintain and promote efficiency of government.
- Encourage a diversity of housing types.

C In order to achieve these goals and objectives, the Comprehensive Plan outlines a number of implementation strategies for the Town including:

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- Revise the Agricultural-Residential zoning district to build upon the intent that agricultural uses are primary uses in the district.
 - Work with Genesee County to expand the designated development areas in the Genesee County Smart Growth Plan in a manner that does not impact agriculture and fully utilizes the existing infrastructure in the Town. The Vision Map depicts larger long-term planning areas. The development areas delineated in the existing Smart Growth Plan closely follow the existing pattern of hamlet development and represent appropriate limits for sustaining short term growth. As future demand for growth may dictate, the development area boundaries should be expanded to correspond with the Vision Map.
 - Draft a set of rural development guidelines that provide written standards and graphic examples to ensure that the vision for growth and development set forth in this document is achieved.
 - During future reviews of the County's Agricultural District, recommend to Genesee County that non-agricultural lands be removed from the district. This is primarily the case in Basom and South Alabama.



- Investigate residents' requests/needs for public water due to public health and safety concerns.
- Relocate Town Hall, along with other Town facilities, to the hamlet of Alabama.
- Work with Genesee County and the Town of Oakfield to investigate the feasibility and potential funding for a rails-to-trails project on the abandoned Penn Central rail corridor.

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STAMP, as currently proposed, is consistent with a number of the community's values and vision as articulated in the Comprehensive Plan including providing for economic development, protecting environmental resources and features and providing potable water to appropriate areas of the Town.

In terms of economic development, the Comprehensive Plan states that "The expansion of commercial and industrial growth, and other economic development activities, helps provide jobs and build a stronger tax base." (Comp. Plan p. 5-12). The Comprehensive Plan further states, "A majority of the respondents believe that commercial and industrial growth is needed in Alabama." (Comp. Plan. p. 5-2). The Project will undoubtedly assist the Town by increasing needed commercial and industrial growth and development in the Town. The Project will also provide employment opportunities and will improve the community's tax base. The Comprehensive Plan recommends targeting locations for these industrial and commercial ventures along Route 77. The Project will conform to the preferences of the Town in this respect, as well, because STAMP will be located along Route 77.

In terms of protecting the Town's environmental features and resources, STAMP has been designed in an environmentally sensitive manner to protect wetlands and stream corridors across the 1,337.2-acre site. Thus, the development of STAMP, as envisioned, will ensure long-term protection of hundreds of acres of important environmental features and resources.



The Project also has some inconsistencies with community values and visions as spelled out in the Comprehensive Plan. The primary inconsistency found between STAMP and the Comprehensive Plan centers around the Town's goal to preserve farmland. One of the reasons that the preservation of farmlands is preferable because farmlands form a stable tax base and are net positive taxpayers, meaning farmland costs less in services than it pays in taxes. According to the Comprehensive Plan, residential development, as opposed to farmland, is more costly. Residential development costs the Town more in services, than it offers in taxes. Therefore, much of the Comprehensive Plan focuses on the preservation of farmland as opposed to allowing unbridled residential development.

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While STAMP will result in a loss of farmland, it is not a loss attributable to residential uses. Nonetheless, the conversion of prime farmland is inconsistent with the Comprehensive Plan's goals. In order to mitigate the Project's impact upon agricultural resources, the DGEIS for the Project includes a Farmland Protection Strategies Report ("FPSR") specifically tailored to the Town of Alabama. The FPSR will not include any mandates or requirements; it is designed to merely provide potential options and suggestions specifically tailored for the Town of Alabama. The FPSR will collect and consolidate information and resources that will be helpful to local farmers and the Town representatives. The FPSR also suggests methods and strategies that the Town can adopt to further protect, promote and preserve farmland within the Town. The Town and the community can then consider the suggested options and can pursue the choices that are preferred by Town representatives and the public. Thus, while the Project is inconsistent with the Comprehensive Plan in terms of conversion of farmland to non-agricultural use, the Project provides the Town an opportunity to develop and implement a Town-wide comprehensive Farmland Protection Plan based on the strategies outlined in the FPSR, and ensure farmland protection throughout the rest of the Town for generations to come.

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April 1, 2011

The proposed STAMP Project is a world-class high technology manufacturing center, with a focus on renewable energy, and, if approved, will serve as an economic development engine central to the economic sustainability and well-being of the western portion of New York State. While the proposed Project is consistent with the Town of Alabama's existing Comprehensive Plan in a number of important ways, a project the size and scope of STAMP was simply not envisioned at the time the Comprehensive Plan was adopted. Thus, the Town must formally amend its Comprehensive Plan in order for STAMP to proceed.

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Conclusion

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We trust that the information presented herein meets the Zoning Law requirements for the content of an incentive zoning application. We look forward to working with the Town Board, the citizens of the Town of Alabama and the Project stakeholders as the SEQR process for STAMP moves forward.

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Very truly yours,

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Phillips Lytle LLP

By

Adam S. Walters

ASW/pjs
Doc # 01-2454877.1

EXHIBIT A

PROPOSED TECHNOLOGY DISTRICT REGULATIONS

STAMP TECHNOLOGY DISTRICT – TD
Zoning Regulations

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York (“Town Law”) and, in particular, Section 261-b of the Town Law and Article XI of the Town of Alabama Zoning Law (“Zoning Law”), in exchange for certain public amenities which shall be provided to the Town of Alabama that will inure to the benefit of the community as a whole, the Town of Alabama is providing certain zoning incentives to the Genesee County Economic Development Center (“GCEDC”). Specifically, the Town is creating a special zoning district for the Western New York Science and Technology Advanced Manufacturing Park (“STAMP”) which is proposed to be located on approximately 1,340 acres along New York State Highway Route 77/63 approximately 5 miles north of the New York State Thruway (“STAMP Site”). A map showing the proposed location of the STAMP Site is attached hereto as *Figure 1*.

This document establishes the zoning regulations for the special Technology District hereby established for STAMP pursuant to a certain Incentive Zoning Agreement (“Agreement”) between the Town of Alabama and the GCEDC and/or its affiliate, the Genesee County Gateway Local Development Corporation, dated _____, 2011. The purpose of the Technology District is to accommodate the development of advanced technology manufacturing at the STAMP Site. These zoning regulations supersede all other zoning requirements of the Town of Alabama Zoning Law (“Zoning Law”) except as expressly provided for herein.

The Technology District is divided into three sub-districts. Technology District 3 – TD3 in the northeast corner of the STAMP Site, and which is in close proximity to the Hamlet of Alabama commercial/residential corridor, is limited to smaller buildings which would accommodate retail related and professional office uses. Technology District 2 – TD2 would allow all uses permitted within TD3 plus light industrial uses, warehousing and distribution, community and cultural facilities, and technology demonstration facilities. Technology District 1 – TD1 would allow all uses permitted within TD2 and TD3 plus large-scale advanced technology use, research, development, demonstration and manufacturing. The entire perimeter of the STAMP Site would be surrounded by a 100-foot wide buffer that while part of the STAMP Site, would remain under its current zoning designation. This 100-foot wide area would serve as a buffer zone to all surrounding uses that abut the STAMP Site. An additional 300 foot open space buffer would be required along the edges of STAMP TD1 and TD2 Districts that abut offsite Residential and/or Agricultural-Residential Districts. The STAMP TD3 District would not be subject to the 300 foot buffer requirement, as the intent of the TD3 District is to integrate with the character of the existing Hamlet of Alabama. A copy of the zoning map for STAMP showing the Technology District Zone boundaries is attached hereto as *Figure 2*.

The zoning regulations for the STAMP Site are set forth below. Capitalized terms shall have the same meaning as set forth in the Zoning Law or as defined herein.

I. Technology District 1 (“TD1”)

A. TD1 Permitted Uses

The following uses are permitted in Technology District 1 – TD1.

1. Technology Manufacturing.
2. Technology Manufacturing Support.
3. Public Utility
4. Accessory Uses and Buildings

B. Uses Requiring Special Use Permit in TD1

The following uses are permitted in TD1 upon issuance of a Special Use Permit authorized by the Town Board (see Zoning Law Section 809).

1. Commercial Communication Tower (See Zoning Law Section 614).
2. Wind Energy Systems (Zoning Law Section 621).

II. Technology District 2 (“TD2”)

A. TD2 Permitted Uses

The following uses are permitted in Technology District 2.

1. Technology Manufacturing Support.
2. Public Utility.
3. Accessory Uses and Buildings.

B. Uses Requiring Special Use Permit in TD2.

The following uses are permitted in TD2 upon issuance of a Special Use Permit authorized by the Town Board (see Zoning Law Section 809).

1. Commercial Communications Tower (Zoning Law Section 614).

2. Wind Energy Systems (Zoning Law Section 621).

III. Technology District 3 (“TD3”)

A. TD3 Permitted Uses

The following uses are permitted in Technology District 3.

1. Technology Manufacturing Support with the exception of light industrial uses and/or warehousing and distribution which shall not be permitted.
2. Public Utility.
3. Accessory Uses and Buildings.

IV. Dimensional and Physical Requirements for Development in the Technology District

1. Minimum Lot Size

- A. 100,000 s.f. for Technology Manufacturing.
- B. 10,000 s.f. for Technology Manufacturing Support.

2. Minimum Frontage/Minimum Yards

There are no minimum frontage or yardage requirements within the Technology District. However, there shall be at least a 300 foot buffer of open space along any Technology District lot line abutting a Residential or Agricultural-Residential District with the exception of the Property zoned TD3 in the northeast corner of the STAMP Site. Fencing, signs, landscaping, roads, access drives, utilities and utility related uses are permitted within open space buffers on the STAMP Site.

3. Maximum Height

- A. Technology District 1: 110 feet.
- B. Technology District 2: 35 feet.
- C. Technology District 3: 30 feet.

4. Maximum Lot Coverage

Eighty (80) percent provided that the total development on the STAMP Site does not exceed twenty (20) percent Coverage of all land within STAMP; forty (40) percent if the total development on the STAMP Site exceeds twenty (20) percent Coverage of all land within STAMP. For purposes of calculating maximum lot coverage within STAMP, roads, access drives, parking lots, or other paved or gravel surfaces shall not be included as "Coverage."

5. Off-Street Parking Space Requirements

For every building erected, altered or changed in use within the Technology District, there shall be provided at least the minimum number of off-street parking spaces set forth under this Section (regardless of whether the development is within TD1, TD2, or TD3). All off-street parking shall be designed in such a manner as to allow vehicles to exit onto a road without backing out onto it.

One (1) parking space for every 1,000 square feet of floor area of Technology Manufacturing space.

Two (2) parking spaces for every 1,000 square feet of floor area of Technology Manufacturing Support (except as otherwise specified herein);

Three (3) parking spaces for every 1,000 square feet of community, museum, cultural or technology or environmental demonstration space;

Four (4) parking spaces for 1,000 square feet of office building space;

Five (5) parking spaces for every 1,000 square feet of Hotel/Motel Retail Trade or Restaurant;

Two (2) parking spaces for every 1,000 square feet associated with any other development.

The minimum off-street parking space requirements specified above may be reduced by the Planning Board for good cause shown considering projected use intensity, turnover, customers, employees and vehicles used.

6. Signs

All signs within the Technology District shall conform to Section 606 of the Zoning Law. For purposes of Section 606, the Technology District shall be treated as an Industrial District.

Definitions

The following definitions will apply to these Technology District zoning regulations. All other terms shall have the same meaning as set forth in the Zoning Law.

Technology Manufacturing: Establishments engaged in the use, research and development, demonstration, manufacturing and/or distribution of advanced technologies in modern industries such as energy, communications, information and computing technologies, pharmaceuticals and life sciences, including but not limited to semiconductors and semiconductor devices, computing technology and data centers, flat panel display technology and components including light emitting diodes and liquid crystal display, renewable energy, solar photovoltaics, and any related enabler technologies that employ advanced manufacturing techniques and/or resources such as microtechnology or nanotechnology.

Technology Manufacturing Support: Establishments which provide support services to Technology Manufacturing including but not limited to office buildings, professional offices, light industrial uses, warehousing and distribution, museum, community and cultural facilities, technology or environmental demonstration facilities and establishments which provide on-site support services to personnel employed at STAMP including but not limited to hotel/motel, retail trade, restaurant, personal services businesses, medical/health related services, offices, banks, shopping center, community center, child day care facility, drive-in business, motor vehicle repair shop, gasoline station and/or gasoline station-market.

Commercial Communication Antennas

The installation of Commercial Communications Towers or Antennas shall conform to Section 614 of the Zoning Law. For purposes of Section 614, the STAMP Site shall be treated as an Industrial District.

Wind Energy Systems

The installation and operation of wind energy systems shall conform to Section 621 of the Zoning Law. For purposes of Section 614, the STAMP Site shall be treated as an Industrial District.

FIGURE 1
STAMP LOCATION MAP

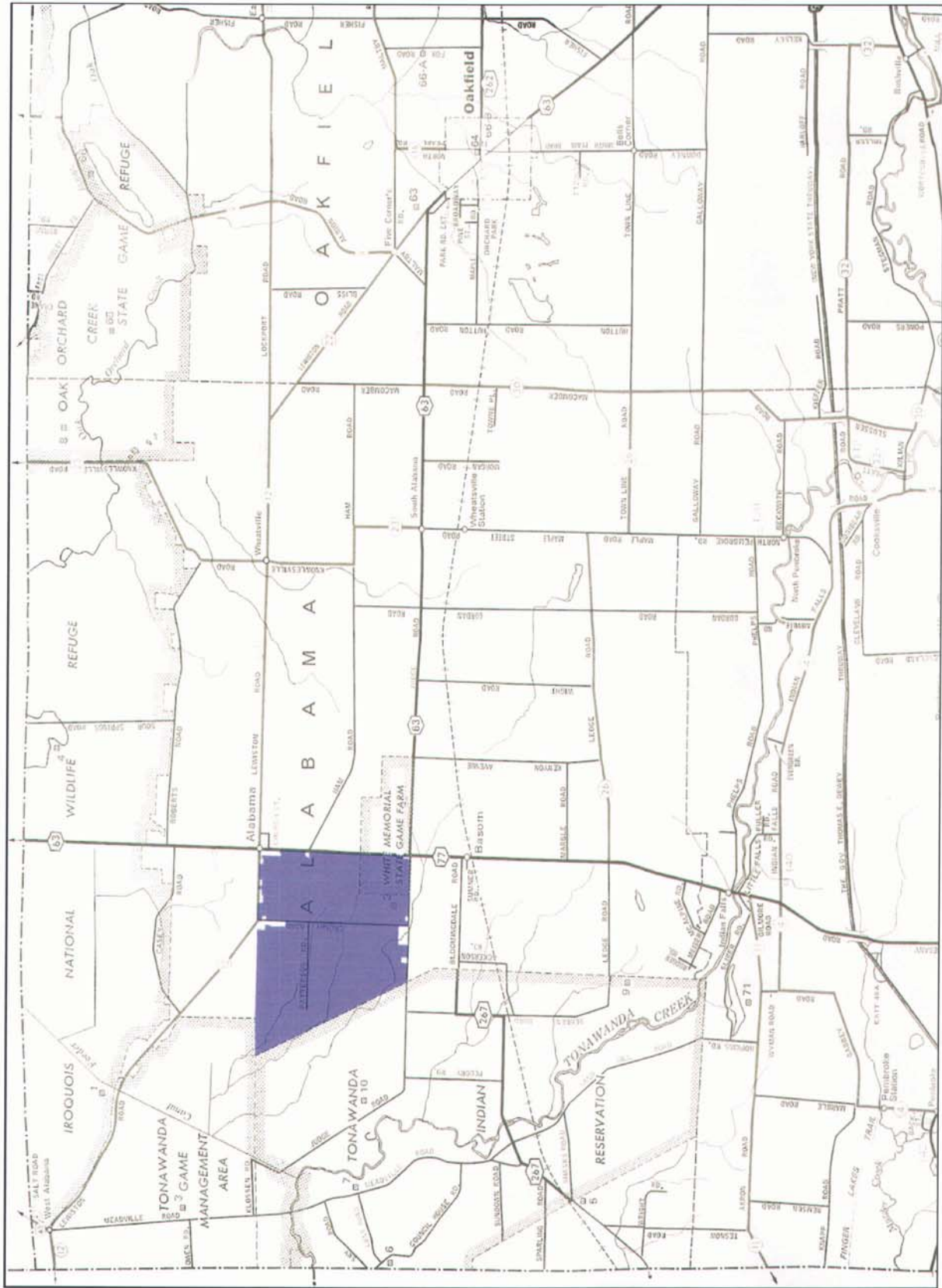
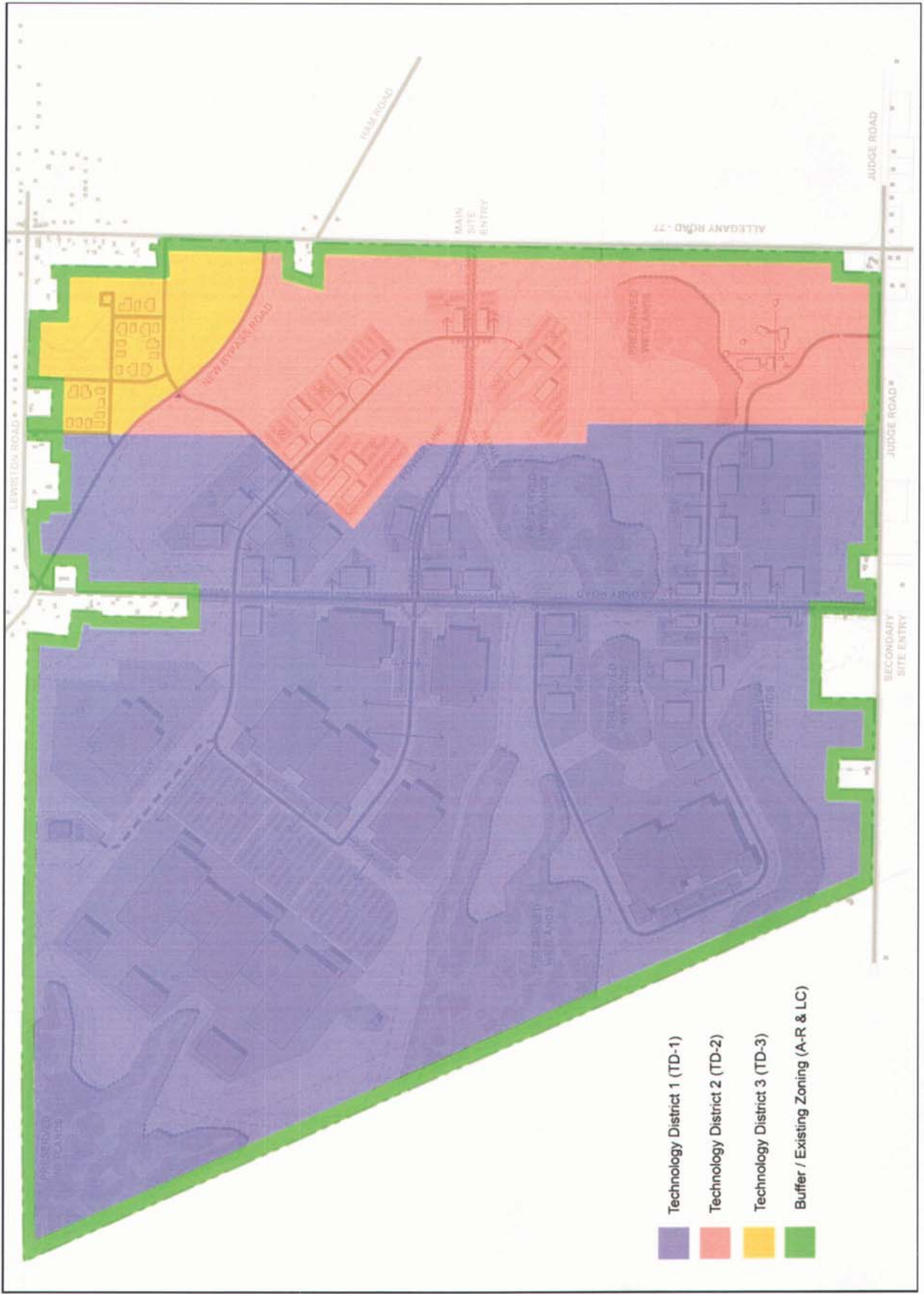


FIGURE 2

MAP OF THE PROPOSED TECHNOLOGY DISTRICT



- Technology District 1 (TD-1)
- Technology District 2 (TD-2)
- Technology District 3 (TD-3)
- Buffer / Existing Zoning (A-R & LC)