AMENDED FINDINGS STATEMENT

Pursuant to the State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and 6 NYCRR Part 617 (collectively, "SEQRA"), on June 14, 2017, the Town of East Greenbush Town Board (the "Town Board") as the SEQRA Lead Agency, made findings with respect to Phase II of the Tempel Lane Campus of Regeneron Pharmaceuticals, Inc. ("Regeneron" or the "Applicant"). Since that time, Regeneron has proposed certain changes to Phase II. This Amended Findings Statement takes into account the proposed changes.

Name of Action: Regeneron Pharmaceuticals, Inc. Tempel Lane Campus.

Description of Action:

The action involves the development of property that previously was the subject of a full SEQRA review. In 2001, the Rensselaer County Industrial Development Agency ("RCIDA"), serving as SEQRA Lead Agency, prepared a Generic Environmental Impact Statement (GEIS) for the Mill Creek Commerce Park (the "Commerce Park"). The GEIS was prepared to analyze the potential environmental impacts associated with the full build-out of the Commerce Park. The build-out of the Commerce Park analyzed in the GEIS included 1,350,000 square feet (SF) of building area for corporate, business and professional office space, retail services, light assembly and fabrication with associated parking and roadways on a 460-acre site. A Draft GEIS was accepted by the Lead Agency on June 14, 2001; a Final GEIS was accepted on February 14, 2002; and a Findings Statement was adopted by the RCIDA in June 2002. There has been no development in the Commerce Park subsequent to completion of the GEIS. Regeneron purchased the property in 2016.

Regeneron is a biotechnology company headquartered in Tarrytown, New York. The company currently owns and operates large-scale manufacturing facilities on Discovery Drive in the Town of East Greenbush. Regeneron is proposing to construct a new facility to support its pharmaceutical manufacturing business (the "Tempel Lane Campus").

The proposed Phase II of the Tempel Lane Campus project (the "Project") will be located on a parcel, totaling 130.71 acres, owned by Regeneron in the northwestern portion of the Town of East Greenbush, off of Tempel Lane. The development will occur on a Corporate Office/Regional Commercial (OC) parcel (Tax Map #144.-3-5.1) that is bisected by a discontinued Town right-of-way (Tempel Lane).

The action was originally proposed to include a manufacturing facility with associated office, laboratory, and warehouse space with a total building area of approximately 485,400 SF of building area, plus an ancillary parking structure. Subsequently, Regeneron decided to move ahead first with only the development of a warehouse and parking lot to be located north of Tempel Lane. SEQRA Findings were adopted and the site plan for the Warehouse Project, totaling approximately 166,352 SF of building area, was approved by the Town Board on February 27,

2017 as part of Phase I of the Tempel Lane Campus (the "Warehouse Project"). Regeneron then constructed the Warehouse, with 212,300 SF of gross floor area, related site improvements, and utility connections in what is known as the North Utility Corridor. A subsequent Findings Statement, adopted on June 14, 2017, related to the remainder of the original proposal, totaling approximately 485,400 SF of building area, plus an ancillary parking structure.

The Project involves the development of the remainder of the Tempel Lane Campus, in addition to the 212,300 SF of gross floor area Warehouse already approved and constructed as part of Phase I. The Project is now proposed to include 586,110 SF (i.e., 346,110 SF of gross floor area for manufacturing and 240,000 SF for office/lab use, for a total of 798,410 SF of gross floor area. The Project also includes of a parking garage to accommodate up to 1,064 cars and various utility structures, including an electrical switching yard. Twenty-four acres of designated forever wild space will be protected south of Tempel Lane. The proposed campus will be accessed from existing Tempel Lane.

On December 14, 2015, Regeneron submitted a Full Environmental Assessment Form ("FEAF") to the Town of East Greenbush. On March 16, 2016, the Town established itself as Lead Agency and issued a Positive Declaration. Accordingly, public scoping of the Project commenced for the preparation of a site-specific Supplemental Environmental Impact Statement ("SEIS"), which considered the potential impacts of the Project and the Project's consistency with the Commerce Park GEIS Findings Statement. The Commerce Park Findings Statement included proposed mitigation measures for the following:

- An Erosion and Sediment Control Plan to prevent negative impacts to site grading and wetlands;
- A Stormwater Pollution Prevention Plan to prevent negative impacts caused by stormwater runoff;
- New water and sanitary sewer infrastructure to serve the Project site;
- Off-site improvements to prevent negative impacts to the traffic network; and
- Additional staffing and equipment to support the Police and Fire municipal services.

The current Project is significantly scaled down from the Commerce Park project, and the required mitigation for the Project does not exceed that set forth in the Commerce Park Findings Statement. The current Project will require the same mitigation for site grading, stormwater, water and traffic.

The Project will also require the following approvals:

1. Town of East Greenbush Town Board Site Plan Approval
2. Town of East Greenbush Zoning Board of Appeals – Area Variance
3. Town of East Greenbush Planning Board Special Use Permit
4. Town of East Greenbush Water/Sewer Connection Approval
5. Rensselaer County Department of Health - Plans for Public Water Supply Improvement

Approval

6. Rensselaer County Department of Health - Plans other than Individual or Realty Subdivision Approval
7. NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity
8. New York State Office of Parks, Recreation and Historic Preservation Advisory Opinion
9. New York State Department of Transportation

Project Location: 401 Tempel Lane, Town of East Greenbush, Rensselaer County, New York 12061

SEQR Classification: Type I

Date Supplemental Final Environmental Impact Statement Accepted: May 31, 2017

Date Findings Statement Adopted: June 14, 2017

Date Amended Findings Statement Adopted: November 19, 2018

Certification to Approve/Fund/Undertake:

Having considered the SDEIS, the SFEIS, and the Findings Statement, and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Amended Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and

2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Town of East Greenbush Town Board
Name of Agency

John J. Conway
Name of Responsible Official

Signature of Responsible Official

November 20, 2018
Date

Town Supervisor
Title of Responsible Official

Address of Agency:
Town of East Greenbush Town Hall
225 Columbia Turnpike
Rensselaer, NY 12144

cc: Town of East Greenbush Planning Board
Town of East Greenbush Zoning Board of Appeals
Town of East Greenbush Water and Sewer Department
Rensselaer County Department of Health
New York State Department of Environmental Conservation
New York State Office of Parks, Recreation and Historic Preservation
New York State Department of Transportation

1.0 AGENCY JURISDICTION AND DESCRIPTION OF SEQRA PROCESS

The Town Board assumed Lead Agency status in connection with a coordinated SEQRA review of Regeneron Pharmaceuticals Tempel Lane Campus site plan application, which is a Type I Action. The Town Board also has jurisdiction over the Project related to future approvals concerning sewer, water, and site plan approval for Phase II of the Campus.

In accordance with the SEQRA regulations, the following elements of the SEQRA process were undertaken:

- On December 14, 2015, the Project sponsor submitted Part 1 of the FEAF to the Town of East Greenbush.
- The East Greenbush Town Board circulated its intent to be Lead Agency to all involved agencies on January 26, 2016.
- On March 16, 2016, the East Greenbush Town Board established itself as Lead Agency and issued a Positive Declaration. A Draft Scoping Document was accepted on the same date.
- The Town Board held a public hearing seeking comments on the Draft Scoping Document on March 29, 2016, and written comments on the Draft Scoping Document were accepted through April 11, 2016.
- On May 4, 2016, the Final Scoping Document was adopted by the Lead Agency.
- On August 26, 2016, the Project Sponsor submitted to the Lead Agency the first Completeness Draft of the Supplemental Environmental Impact Statement ("SDEIS").
- On October 7, 2016, the Project Sponsor submitted to the Lead Agency the second Completeness Draft of the SDEIS.
- On October 19, 2016, the Project Sponsor submitted to the Lead Agency the third

Completeness Draft of the SDEIS.

- On December 6, 2016, the Project Sponsor submitted to the Lead Agency the fourth Completeness Draft of the SDEIS.
- On December 14, 2016, the Lead Agency formally accepted the SDEIS as complete for circulation. The SDEIS and Notice of Completion were duly circulated to all involved and interested agencies, made available for public review and notice thereof was duly posted and published.
- On January 11, 2017, a public hearing allowing for public comment on the SDEIS was held by the Lead Agency. At the outset of the hearing, the Applicant indicated that it planned to proceed at that time with the proposed warehouse only (Phase I). The written public comment period remained open until January 24, 2017.
- On February 15, 2017, the Town Board accepted a Supplemental Final Environmental Impact Statement ("SFSEIS") for the Warehouse Project (Phase I) as complete, acknowledging that it provided a full and comprehensive evaluation of the Warehouse Project and addressed all comments received by the Town Board on the SDEIS.
- On February 27, 2017, the Town Board adopted a SEQRA Findings Statement for the Warehouse Project (Phase I), and the Town Board issued site plan approval.
- On April 19, 2017, Regeneron submitted a request for approval of the remainder of the Project ("Phase II").
- On April 19, 2017, the Town Board accepted a Supplemental Draft Environmental Impact Statement for Phase II (the "Phase II SDEIS") as complete for public review.
- A public hearing was held on May 10, 2017, on the Phase II SDEIS, and written comments were accepted through May 22, 2017. Two persons spoke at the hearing, with one providing a copy of her notes. No other written or oral comments were received.
- On May 31, 2017, the Town Board accepted the Phase II SFEIS for the Project.
- On June 14, 2017, the Town Board adopted a Findings Statement for the Phase II Project.

AMENDED STATEMENT OF SEQRA FINDINGS

The following amended findings and conclusions have been made upon review of the Commerce Park Draft and Final GEIS, Regeneron's SDEIS and SFEIS for the Warehouse Project and the SDEIS, SFEIS, and Findings Statement for the Phase II Project, and accompanying concept plans and documentation prepared for the Project pursuant to the Town of East Greenbush Town Board's responsibility as Lead Agency under SEQRA and the Town of East Greenbush Comprehensive Zoning Law and Comprehensive Plan.

1.0 DESCRIPTION OF THE ACTION

A. This action involves the development of property that was previously the subject of full SEQRA review. In 2001, the RCIDA, serving as Lead Agency, prepared a GEIS for the

Commerce Park. The GEIS was prepared to analyze the potential environmental impacts associated with the full build-out of the Commerce Park. The build-out of the Commerce Park analyzed in the GEIS included 1,350,000 SF of building area for corporate, business and professional office space, retail services, light assembly and fabrication with associated parking and roadways on a 460-acre site. A Draft GEIS was accepted by the Lead Agency on June 14, 2001; a Final GEIS was accepted on February 14, 2002; and a Findings Statement was adopted by the RCIDA in June of 2002. There was no development of the Commerce Park after completion of the GEIS.

B. The current Applicant, Regeneron, is proposing to develop a new facility to support its pharmaceutical manufacturing business. Regeneron is a biotechnology company headquartered in Tarrytown, New York. The company currently owns and operates a large-scale manufacturing facility on Discovery Drive in the Town of East Greenbush.

C. The proposed Tempel Lane campus is located on one parcel, consisting of 130.71 acres, acres, owned by Regeneron in the northwestern portion of the Town of East Greenbush, off of Tempel Lane. The development will occur on Corporate Office/Regional Commercial (OC) zoned property that is bisected by a discontinued Town right-of-way (Tempel Lane). The development will include an office/laboratory building, parking structure and manufacturing building. A warehouse building, related site improvements, and utility connections in the North Utility Corridor, a smaller portion of the property extending north to Third Avenue Extension, have already been constructed at the site. Moreover, some clearing and grading has taken place in preparation for the next building to be constructed, a manufacturing building.

D. To review the history of the SEQRA process to date on the Tempel Lane Project, on December 14, 2015, Regeneron submitted an FEAF to the Town of East Greenbush. On March 16, 2016, the Town Board established itself as Lead Agency and issued a Positive Declaration. Accordingly, public scoping of the Project commenced for the preparation of a site-specific SEIS, which would consider the potential impacts of the Project and the Project's consistency with the Commerce Park GEIS Findings Statement.

E. The SDEIS and SFEIS indicated that site and infrastructure improvements related to the Project include: general site grading, removal of man-made soil piles, excavation of soils and placement of structural fill, placement of vertical retaining walls, roadway grading and paving; installation of a stormwater drainage system designed in accordance with the NYSDEC Stormwater Design Manual (2015); water supply and sanitary sewer installation; and landscaping that includes, to the extent practical, the protection of existing mature vegetation, and including 24 acres of designated conservation areas located on the south west portion of the 130.17-acre parcel (Tax Map #144.-3-5.1) for which deed restrictions have been filed with the County Clerk's office.

F. As demonstrated in the Phase II SDEIS, SFEIS, and Findings Statement, the current Project is scaled down from the Commerce Park project. The Commerce Park was proposed to develop 1.3 million SF on 460 acres, whereas the proposed Project (the Warehouse and

Phase II) will develop approximately 798,410 SF on 130.17 acres. Similarly, the build-out period for the Project is four years versus the ten-year, multi-phase Commerce Park project. For these reasons, the required mitigation for site grading, stormwater, water and sanitary sewer, and traffic for the current Project do not exceed the requirements set forth in the Commerce Park Findings Statement. The Commerce Park Findings Statement included proposed mitigation measures for the following:

- An Erosion and Sediment Control Plan to prevent negative impacts to site grading and wetlands;
- A Stormwater Pollution Prevention Plan to prevent negative impacts caused by stormwater runoff;
- New water and sanitary sewer infrastructure to serve the Project site;
- Off-site improvements to prevent negative impacts to the traffic network; and
- Additional staffing and equipment to support the Police and Fire municipal services.

The same mitigation is proposed for the current Tempel Lane Campus Project, except that no additional staff or equipment to support the Police and Fire municipal services is required or proposed.

2.0 ENVIRONMENTAL SETTING, ANTICIPATED IMPACTS AND MITIGATION MEASURES

A. Topography, Geology and Soils

1. The site is characterized by vacant former agricultural land where clearing and rough grading occurred as part of the prior Commerce Park project to support future commercial development. These preliminary access roads and wetland crossings were installed under approved permits issued by local, state and federal agencies along with two wetland mitigation areas. After construction of the roads and wetland mitigation areas, the property was not developed further by the Commerce Park sponsors.

2. The topography of the Project site generally slopes down from the east to the west, ranging between 140 – 240 feet (FT) above mean sea level. There is approximately 100 FT of natural topographic relief on the property, with an additional 10 to 20 FT of relief from man-made soil piles present in the center of the property. The natural topographic relief increases to the southwest of Tempel Lane, where the land slopes steeply towards a tributary to Mill Creek, which flows along the western portion of the property.

3. Native soils on the site include Hudson silt loam and Rhinebeck silt loam. Overburden soils include Lacustrine silt and clay. Bedrock on the site is comprised of Nassau Formation– slate, shale, thin quartzite. Due to the silt and clay composition of the soil, the development of the Project (other than the already completed warehouse) will require earthwork resulting in removal of excavated soils and structural fill imported to the site. Silt and clay are not considered suitable for supporting structural foundations. The

majority of earthwork (65%) would occur on land featuring slopes that range between 3 – 8%. However, approximately 21% of total disturbance would occur on slopes exceeding 15% and, in those areas, vertical retaining walls will be used.

4. Erosion and sediment control measures will be implemented to minimize soil erosion and to control the offsite transport of sediment-laden runoff during rainfall events. The Erosion and Sediment Control Plan has been designed in compliance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) (the "Stormwater General Permit") and "New York Standards and Specifications for Erosion Control" November 2016. To the extent these general permits and requirements are amended in the future by NYSDEC, it will be necessary for the components of the development to be redesigned to meet such future requirements.

5. Observance of the erosion and sediment control measures contained in the Stormwater Pollution Protection Plan ("SWPPP") (prepared in accordance with NYSDEC SPDES General Permit GP-0-15-002) will significantly minimize the potential environmental impacts from erosion and sediment runoff due to construction and operation of the Project.

6. Construction techniques that will be used to mitigate soil related impacts include:

- Stage development to minimize clearing and grading until new ground cover is achieved.
- Use berms and/or siltation ponds during construction to control erosion and sedimentation.
- Limit proposed grades to 1 on 3 or flatter where retaining structures or mechanically stabilized earth walls are not used.
- Test soils for corrosiveness and design accordingly.
- Use proper dewatering methods during construction to maintain soil stability.
- Provide protection of sensitive environmental areas such as the federal regulated wetlands.

B. Surface Water and Groundwater

1. Mill Creek, a tributary to the Hudson River, flows in a northwesterly direction and traverses the southwestern portion of the property along the southern property border. This portion of Mill Creek is classified by the NYSDEC as a Class C stream, which is not regulated. A tributary to Mill Creek flows along the western portion of the property. A tributary to Mill Creek flows west across the center of the property towards a pond created by a man-made dam. The tributaries to Mill Creek are also classified as Class C streams, which are not regulated. There is a man-made dam that blocks one of the tributaries to Mill Creek. The impoundment area is approximately 3 acre-feet. This dam is concrete, approximately 20' long and 6'-8' high in the center. It is not regulated by the NYSDEC but would most likely be classified as a Class A (Low Hazard) dam.

2. Mill Creek is located in the 100-year floodplain (Zone A), however the site where the Project will be located is in Zone C, which is an area of minimal flood hazard.

3. Based on topographic gradient and proximity of the Hudson River, regional groundwater flow in the vicinity of the property is anticipated to flow westerly toward the Hudson River, located approximately two miles west of the property. Surface water infiltrates the ground surface or flows overland southwest and west towards the streams, pond, and wetlands, and towards a low-lying area along Tempel Lane. Localized groundwater also flows west. The estimated depth to groundwater is 10 – 20 FT.

4. Under the previous Commerce Park project, the Army Corps of Engineers (USACE) issued a permit (2000-00689) in 2002 to allow discharge of fill material into approximately 1.48 acres of emergent and scrub shrub wetland, approximately 231 FT of two tributaries to Mill Creek, and approximately 0.03 acres of wetlands in order to rehabilitate and restore a dam on one of Mill Creek's tributaries. The Applicant's proposed changes to the Project that are the subject of this Amended Findings Statement will have no significant changes to wetlands. As compensatory mitigation, the previous applicant was required to create approximately 2.62 acres of wetlands via two (2) mitigation areas on site. Although not required, Regeneron (which is not the permittee) re-graded and planted the two wetland mitigation areas to bring them into conformance with the requirements of the 2002 permit. The two wetland mitigation measures areas were continually monitored throughout the spring and summer of 2016 and are in conformance with the requirements of the permit. These mitigation areas are protected by restrictive covenants held in the property deed.

5. Under the Project, a wetland delineation was performed on the disused Tempel Lane right-of-way, and the discharge and mitigation areas were assessed, evaluated and surveyed. The placement of the permitted filling activities was identified, and it was verified that no fill had been placed in wetlands outside of what was permitted by the permit. The mitigation areas were found to exhibit characteristics of a wetland including hydrology, hydric soils, and hydrophytic vegetation. The 2002 permit is no longer valid and does not apply to the current Project. Responsibility for continued monitoring of the mitigation areas remains with the permitee, which is not the Applicant.

6. The Warehouse Project used some of the areas that were filled as permitted by the 2002 USACE permit. In a letter dated February 11, 2016, the USACE stated that no permits were required for the construction of the Warehouse development area. The USACE will allow the work shown on the Warehouse site plan to proceed without changes to the original permit. The future build-out of the laboratory/office building and parking garage do not impact USACE or NYSDEC wetlands.

7. In November 2016, a wetland delineation was conducted in the area to be utilized for the North Utility Corridor that identified three federally-regulated wetland areas and an un-regulated, unnamed tributary to Mill Creek. The delineation was reviewed by USACE

through a formal Approved Jurisdictional Determination process, and during the site visit the USACE agreed with the delineation. No impacts to the wetland or stream areas occurred. Development of the North Utility Corridor was undertaken using directional drilling methods to ensure no impacts to these resources occurred.

8. As indicated in Section A, Topography, Geology, and Soils, the Erosion and Sediment Control Plan has been designed in compliance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) (the "Stormwater General Permit") and "New York Standards and Specifications for Erosion Control" August 2016. Observance of the erosion and sediment control measures contained in the Stormwater Pollution Protection Plan (SWPPP) (prepared in accordance with NYSDEC SPDES General Permit GP-0-15-002) will significantly minimize the potential environmental impacts from erosion and sediment runoff due to construction and operation of the Project.

9. No impacts to surface water and groundwater will occur, as the Applicant will be following appropriate NYSDEC stormwater general permit requirements. Accordingly, no mitigation is proposed or required.

C. Flora and Fauna

1. The Project site proposed for construction is characterized by vacant former agricultural land where some clearing and rough grading has occurred to support future commercial development. The North Utility Corridor traverses a combination of vacant former agricultural land and undeveloped woodland. The wooded areas are comprised of semi-mature forested upland, Palustrine scrub-shrub wetland, forested wetland, and stream habitat. The North Utility Corridor, the Warehouse and associated infrastructure have been built.

2. Consultation with the NYSDEC Natural Heritage Office (NHO) dated December 4, 2015, indicated that there were no records of rare or state-listed animals or plants, or significant natural communities at the site or in the its immediate vicinity. The unofficial species list provided in the United States Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) system indicated that the Northern Long-eared Bat (NLEB) has the potential to be present within the property boundaries.

3. Based on information provided by NYSDEC NHO and the USFWS, field surveys were conducted in September and November 2015 and May and November 2016 to assess the potential for endangered and threatened species on the Project site. Using procedures outlined by the NYSDEC and USFWS, the Project site was reviewed for trees that exhibit the criteria for potential summer roosting sites and for suitable foraging habitat for the NLEB. The search included caves, mines, or other man-made structures that could be used as a potential roost or over-wintering hibernacula.

4. During the review, no caves or mines were identified within the property boundaries that could be construed as potential over-wintering habitat. No suitable habitat was observed or identified within the proposed Warehouse Development area. However, numerous trees that appeared suitable for use by the species for roosting activities were identified, including 12 shagbark hickories, 1 damaged cottonwood, 1 damaged ash, 1 damaged red maple, 1 damaged red oak, 3 damaged swamp white oaks, and 8 dead elms in the North Utility Corridor area of the Project. No endangered or threatened species or special community types that would harbor rare species were identified in the Project area, nor were any Species of Special Concern or otherwise considered rare plants or animals per NYSDEC information.

5. In May 2018 and July 2018, an ecological examination of the area of the former Lisa Lane parcel was conducted, and similar conditions were found with respect to the NLEB. The NYS NHO and the USFWS were consulted. The NHO stated that it had no records of rare or state-listed animals or plants within the site. The USFWS referenced the potential for one species – the NLEB – to be present or in the vicinity of the subject area. No caves or mines were found on the Lisa Lane parcel, but tree species that had potential for roosting sites were identified. These included shag bark hickory, damaged swamp white oak, damaged black cherry, damaged maple, large cottonwood and dead/dying elm.

6. In order to avoid direct impact to the NLEB and to avoid the necessity of "incidental take" permits, the regulatory agencies (NYSDEC and USFWS) suggest the implementation of time- of-year restrictions on the removal of trees. These restrictions are generally implemented as a mitigative measure and prohibit removal of trees during the time of year when bats are likely present within summer habitats (April 1 to October 1). Therefore, with the implementation of the time of year restrictions, any and all tree clearing will only be allowed to occur between October 1 and March 31 of any given calendar year. This is the time of the year when the bats would not be found within summer habitats and would not be subject to direct impact by the removal of trees.

7. Regeneron will continue to comply with the time-of-year restriction on the removal of trees. Therefore, direct impacts to the NLEB were and will be avoided. No further mitigation is required or proposed.

D. Cultural Resources

1. A portion of the proposed Project site was studied as part of previous cultural resources analyses conducted for the Commerce Park project and the nearby Village at Tempel Farm project. In addition, the Project site has undergone more recent testing and analysis.

2. The initial Phase I archeological investigation for the property was completed in 2000 as part of the Mill Creek Office Development Project (Commerce Park) (15PR03674) (Hartgen Archeological Associates 2000). The current Project incorporates a large portion of the footprint originally investigated during the 2000 Hartgen study, with some additions. The

additions to the original construction footprint encompass approximately 8.3 acres and include a security building at the southeast corner of the parcel, an expanded parking area at the northeast corner, modifications to the internal circulation road, the addition/expansion of several storm water retention ponds, and a new electrical substation and access road. Testing for the original expanded footprint was completed in May and October 2016 and no precontact or significant historic cultural resources were identified, and no further investigation was recommended. No effect letters were issued by OPRHP in September and November 2016.

3. The North Utility Corridor is located within lands of the abandoned New Rural Cemetery (otherwise known as the Capital City Cemetery) formed in 1900. The corridor traverses several roads and five burial plats. There is no indication on the cemetery maps which sections of the plats were ever used, but surface evidence suggests areas to the east and west of the corridor were used.

4. The New Rural Cemetery property was included as part of the Phase I archeological survey conducted in 2007 for the proposed Tempel Farms PDD project (08PR01333) (Rochester Museum and Science Center 2008). The Phase I survey included the excavation of 116 shovel tests along a proposed access road. The former proposed construction easement is located in the same general location as the current easement. No precontact or historic cultural materials were recovered from the 116 shovel tests and no burials were identified. In 2008 correspondence from OPRHP regarding the former Rural Cemetery property, OPRHP recommended that an archeological work scope be developed to address the presence or absence of burial shafts within the property. A work scope was submitted and approved by OPRHP in January 2016 and December 2016 and included mechanical stripping of the topsoil to search for burial shafts and the excavation of shovel tests. Testing for the North Utility Corridor was conducted in January 2016 and December 2016 and no precontact or historic cultural resources were recovered and no burial shafts were identified.

5. In a letter dated February 17. 2017, OPRHP determined that no historic properties would be adversely affected by the undertaking of the North Utility Corridor with the condition that the following Human Remains Discovery Protocol is copied on the Project drawings and followed.

> In the event that human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented:
>
> - Human remains must be treated with the utmost dignity and respect at all times. Should human remains or suspected human remains be encountered, work in the general area of the discovery will stop immediately and the location will be secured and protected from damage and disturbance.

- If skeletal remains are identified and the archaeologist is not able to conclusively determine whether they are human, the remains and any associated materials must be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if they are human.
- No skeletal remains or associated materials will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- The SHPO, the appropriate Indian Nations, the involved state and federal agencies, the coroner, and local law enforcement will be notified immediately. Requirements of the corner and local law enforcement will be adhered to. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if the remains are Native American or non-Native American.
- If human remains are determined to be Native American, they will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency will consult SHPO and the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance. Photographs of Native American human remains and associated funerary objects should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.
- To protect human remains from possible damage, the SHPO recommends that burial information not be released to the public.

6. In July 2018, Hartgen Archeological Associates conducted a Phase IB archeological survey of the Lisa Lane parcel. A total of 290 shovel tests were performed, and two precontact archeological sites were identified. Phase II archeological site evaluations were performed on these sites and a report was submitted to OPRHP. By letter dated September 27, 2018, OPRHP determined that "no historic properties will be affected by this undertaking."

E. Land Use, Zoning, and Community Character

Zoning

1. The Project site is currently zoned Corporate Office/Regional Commercial (OC) Zoning District. As stated in the Town's Comprehensive Zoning Law, the OC Zoning District is "intended to permit and encourage a grouping of office and commercial uses, easily accessible by major roads, and built to a high standard. These intended uses include offices, tourist accommodations, convention centers, and regional-level commercial uses such as a regional shopping center. The regulations are designed to encourage large scale campus-type developments, and to discourage a strip form of development." Under the Town's Zoning Code, warehouses are permitted by special permit.

2. The Project location is considered a prime site for a commercial establishment due to its close proximity to Route 4, Route 151 and Interstate 90. The proposed Project will be compatible with nearby land uses, which currently include professional offices and industrial establishments located on Route 4, such as Rose and Kiernan and a Fed Ex warehouse.

3. The office/laboratory building has a proposed height of 69 FT and the parking garage will have a height of 55 FT, while the maximum height in the OC district is 50 FT. Therefore, a variance will be required. The remaining elements of the Project are compliant with the bulk and dimensional requirements of the OC Zoning District. The site design is consistent with the campus-type development encouraged by the zoning.

4. A proposed electrical switch yard to be constructed in the southeastern portion of the site will require a special use permit as a utility, public service use, per the requirements of the OC District.

5. The Applicant will seek an area variance for the height of the office/laboratory and a special use permit for the electrical switch yard. Therefore, no adverse impacts to zoning will occur.

Land Use and Community Character

6. The Project site, on which is located the Warehouse, North Utility Corridor and related site development and infrastructure, includes property characterized by brush land, vacant former agricultural land, wetlands, water bodies and woodland. Nearby land uses include vacant land, forested area, a cemetery, Interstate 90, and National Grid powerlines. A large man-made pond that was formed when a tributary to Mill Creek was dammed occupies the northwestern portion of the property. The property has remained largely unchanged since 1952. However, the central portion of the property was cleared of vegetation in association with the Commerce Park project. Trees and shrubs remain in select areas. Old Mannix Road (also known as Tempel Lane), runs from the southern property line northwesterly to the northern property line, bisecting the property. Lisa

Lane, also a discontinued right-of-way, borders the site to the south, from the southeastern property corner west to its intersection with Tempel Lane.

7. As indicated in the 2006 Land Use Plan, the Town seeks to continue growth in the technology sector, with a focus on high-quality commercial development near Route 4 and I-90 with attractive corporate places that are connected and relate to the context of the town. Regeneron has operated large-scale manufacturing facilities in the Town of East Greenbush since 1987. The proposed changes to the Tempel Lane campus will support Regeneron's growth of the technology sector within the Town.

8. The Commerce Park GEIS analyzed a Project on 460 acres with 1.35 million square feet of development, whereas upon completion of the Project, the entire Tempel Lane Campus includes development of 798,410 square feet of gross floor area on 130.71 acres. The Project was previously approved under a total development scenario of 485,400 SF of building area. Given that the Project under the current scenario will still result in a reduced development scenario as compared to the Commerce Park and will not exceed thresholds established in the Commerce Park GEIS for impacts to land use and community character.

9. The Project is consistent with local public policy, zoning and land use, and is a smaller-scale development than the Commerce Park project considered for this site. Therefore, no adverse impacts to local land use or community character would occur, and no mitigation is proposed.

F. Visual Character

1. A visual impact assessment was conducted to determine the visual impacts of the Project. The existing visual character of the Project site is characterized by the Warehouse and related infrastructure and the National Grid Utility Corridor home to large distribution electrical transmissions towers, poles, wire and other appurtenances, along with undeveloped vacant agricultural and forested land. The visual quality of the surrounding area is comprised of visually distinct areas, including the commercial development located along Route 4 (e.g., Walmart, Target, Home Depot, hotels, restaurants and FedEx) and visually average areas including vegetated and open space areas, residential and commercial development, Interstate 90, and National Grid powerlines. Viewers are generally described as motorists, bicyclists, pedestrians, and property owners/residents.

2. The analysis in the SDEIS considered the Project's visibility within one-to-three miles from the Project site and utilized visual simulations and the placement of balloons to mark the height of potential buildings and estimations of additional future buildings proportionally simulated from the building balloon height simulated to determine visibility. The analysis was conducted using a balloon height of 60 FT from within the footprint of the manufacturing/warehouse building within the development zone accommodating potentially additional building height where roof line elevations remain at or around the evaluation of the 60 FT simulated structures. This analysis was updated to address the

changes to the Tempel Lane campus that are the subject of this Amended Findings Statement.

3. Based on the field investigation, four locations offered the potential to view the Project based on the balloon modeling location: Tempel Lane, I-90 Eastbound, I-90 Westbound, Cedar Crest Drive and 3rd Avenue Extension. These locations were considered representative of the overall character of the area and the potential visibility of the Project. While not specifically noted as a key view, views from residences on Thompson Hill Road were noted and discussed within the analysis.

4. According to the analysis, utilizing a design height of 50 FT for the manufacturing/warehouse building, 69 FT for the office/laboratory building and 55 FT for the parking garage, 100% of the Project would be visible from Tempel Lane (approximately 975 FT away from the proposed structures), 25% of the Project would be visible from I-90 Eastbound (1,250 FT away from the proposed structures), 50% of the Project would be visible from I-90 Westbound (2,810 FT away from the proposed structures), and 0% visible from the 3rd Avenue Extension and Cedar Crest intersection (3,150 FT from the proposed structures). The visibility is impacted by intervening vegetation consisting of 50-60' high mixed evergreen and deciduous trees.

5. As currently proposed, the height of the manufacturing building will be similar to the height of the existing warehouse. The height of the manufacturing building will be 5 feet 3 inches taller than the Warehouse, but still within the 50-foot roof height in the Zoning Law. Visually, the manufacturing building will appear to be an extension of the warehouse, with an earth-toned façade. The height of the office/laboratory building will be approximately 69 feet when measured from the upper finished floor elevation (FFE) of 235 ground elevation to the roof. Because the ground slopes along the length of the building, the office/laboratory building will be designed in two, four-story sections. From the lowest ground elevation to the top of the upper section roof would measure 69 feet. Proximate to the office/laboratory building will be a new parking garage. The garage will be approximately 55' tall from the FFE of 235 ground elevation to the deck parapet. The finished grade at the Warehouse and Manufacturing Building is proposed at elevation 223.5 or 11.5 feet lower than the upper grade at the office/laboratory building and the parking garage. Based on this the relative elevation of the top of the garage and office/laboratory building will be 20.5 feet taller than the height of the balloon test. This has been modeled and included on updated renderings for the views submitted by the Applicant. The planned National Grid Substation was also evaluated in the visual assessment. The substation will sit adjacent to the National Grid Distribution ROW that is currently visually dominated by towers, tall poles, electric wires and other appurtenances. The substation will be visible from I-90 with additional filtered views from Route 4. Proposed ground level screen plantings have been proposed by the applicant to reduce the visibility of ground equipment within the substation. Taller elements such as lightning protection poles and infrastructure required to tie the substation into the existing distribution grid will have the same visual characteristics as the existing distribution system components. As such, these elements will be visually consistent with the existing

visual character of the utility corridor.

6. As demonstrated in the assessment simulations and sections, the Project, at a 304 FT maximum height elevation, would not be visible from the residential neighborhood surrounding 3rd Avenue Extension and Cedar Crest, which is the most sensitive population (the property owners/residents viewer group) amongst the locations that offered potential views of the Project. The remaining locations do offer views of the Project when considering these maximum heights, but the large majority of foreground and middle ground views will be transient as viewers are generally motorists, bicyclists, or pedestrians. In addition, the visibility of the proposed project is impacted by intervening vegetation consisting of 50-60' high mixed evergreen and deciduous trees along the I-90 corridor and existing large structures including FedEx, Walmart, target and Home Depot from along Route 4.

7. Given the reduced development scenario, the Project will not exceed thresholds established in the Commerce Park GEIS for impacts to visual character. As no sensitive viewer groups are adversely impacted by the development of the updated Project site, and views from other locations are transient and would be screened by existing vegetation or have existing large structures dominating the foreground of views to the project site there are no anticipated large adverse impacts to the visual character of the area, and no additional mitigation other than the planned plantings and building colors is proposed.

G. Transportation and Parking

1. The Project has been accessed by Tempel Lane where it travels north of NY Route 151 and south of 3rd Avenue Extension. Interchange 9, between US Route 4 and Interstate 90, and the roundabout serving NY Route 151 and US Route 4 are located southeast of the Project site.

2. Pedestrian accommodations are not consistent, but exist in some places along the US Route 4 corridor. There are no sidewalks on 3rd Avenue Extension or NY Route 151 except at the roundabout with US Route 4. Partial provision of bicycle lanes is provided on US Route 4, and the roadway is part of the Capital District Transportation Committee's (CDTC) bicycle and pedestrian priority network. Bus service within the study area is provided by the Capital District Transportation Authority (CDTA). CDTA has two routes that currently serve the Route 4 corridor: Route 214 (Rensselaer 3rd St/Amtrak) and Route 224 (Albany-Troy via Route 4).

3. The traffic impact analyses were undertaken by CHA, the first dated October 2016 with supplemental studies dated December 2016, March 2018 and July 2018, to take into account site plan and phasing revisions. They evaluated the potential for impact to the transportation network for the adjacent roadways. Traffic volumes for the study intersections were compiled from previous traffic counts, data published by NYSDOT, and new traffic counts. Capacity analyses of the study area were conducted to estimate the

future traffic on the adjacent roadway system with and without the Project-generated traffic for the build year of 2020.

4. The October 2016 traffic study fully addressed the potential traffic impacts of the entire 485,400 square feet Tempel Lane Campus, as it was then proposed. The December 2016 and March/July 2018 studies took into account the revised site plan of 798,410 square feet of gross floor area.

5. Based on the Project location and anticipated access routes to and from the site, the following intersections were selected for analysis:

- US Route 4 & Red Mill Road/Luther Road (NY Route 151)
- US Route 4 & Hotel Access Road
- US Route 4 & I-90 Exit 9 Eastbound Ramps
- US Route 4 & I-90 Exit 9 Westbound Ramps
- US Route 4 & Mannix Road
- US Route 4 & 3rd Avenue Extension
- US Route 4 & Grandview Drive/Shoppes at Greenbush Commons
- NY Route 151 & Tempel Lane
- 3rd Avenue Extension (NY Route 151) & Cedar Crest Drive
- 3rd Avenue Extension & Woodlawn Avenue
- 3rd Ave Extension (NY Route 151) & Barracks Road (NY Route 151)
- Tempel Lane & Hotel Access Road

6. The 2020 No-Build conditions were developed by applying the 0.5% annual growth rate and adding the Tempel Farms PDD hotel site trips, existing Regeneron campus site trips, and the East Greenbush Tech Park site trips to the 2015 Existing AM and PM peak hour volumes. As part of the Tempel Farms PDD hotel development, a right-in / right-out access on US Route 4 to the hotel access road was built and was included in the No-Build condition. The ITE Trip Generation Manual, 9th Edition, Land Use Codes (LUC) were used to estimate trips generated by the Project. LUC 140 was used for the manufacturing component, LUC 150 for the warehouse component and LUC 760 (Research and Development Center) for the office/laboratory component. Full build-out of Project is anticipated to generate 678 total AM peak hour vehicle trips and 663 total PM peak hour vehicle trips (as per the July 2018 Revised Phasing Plan letter).

7. The site generated traffic was combined with the 2020 No-Build volumes to represent the estimated future traffic volume conditions for the site.

8. As part of the previously approved Warehouse Project (Phase I), Regeneron will perform full depth reclamation after full build-out of the Project (Phase III), with new asphalt top

course consisting of 1.5 inches of NYSDOT Type 6 Top Course over 2.5 inches of NYSDOT binder course for the 32-foot wide road to address the pavement's poor to fair conditions. Prior to the full depth reclamation, Regeneron will repair Tempel Lane as necessary during construction of Phase I and Phase II of the Project.

9. As part of the previously approved Warehouse Project (Phase I), the assessment provided by CHA in its December 2016 Technical Memorandum indicates that during No-Build Conditions, the southbound lane for shared left and right turn movements at the NY Route 151/Tempel Lane intersection is estimated to operate at Level of Service (LOS) C during the PM peak hour. With the construction of the Warehouse, the analysis indicates that the southbound Tempel Lane approach will continue to operate at LOS C. Therefore, no geometric mitigation is required:

10. For the Warehouse project (Phase I), Regeneron is committed to monitoring traffic operations at the NY Route 151/Tempel Lane intersection after construction of the Warehouse. The monitoring program will evaluate the site-specific trip generation to determine if there is a need to install a traffic signal to accommodate (Phase I). Regeneron will undertake traffic evaluations for two consecutive years after the Warehouse is fully in operation but no sooner than one year after the granting of a Certificate of Occupancy to determine if installation of a traffic signal is warranted. It may be necessary to re-evaluate the mitigation as it specifically relates to the actual impacts of the Project.

11. The March 2018 Traffic Impact Study ("TIS") and supplemental July 2018 assessment fully evaluated the potential traffic impacts from the Tempel Lane Campus's total 798,410 square feet of gross floor area (without traffic associated with the Tempel Farms PDD), including the Warehouse project (Phase I), the Manufacturing project (Phase II) and full build-out of the site, which includes the Office/Laboratory building (Phase III). The capacity analysis for phase II conditions is found on pages 6 through 8, including Tables 6 and 7, of CHA July 2018 Revised Phasing Plan letter, while the capacity analysis for full build-out (Phase III) is found on pages 16 through 19, including Tables 9 and 10, of CHA's March 2018 TIS.

12. The CHA traffic studies examined the need for mitigation for the predicted traffic impacts of the Project in two ways: 1) by assuming that Tempel Farms PDD is built out before Regeneron commences its Project (excepting the Warehouse) and 2) by assuming that the Tempel Farm PDD is not constructed beyond the existing hotel. The CHA traffic studies clearly show substantial impact on roadways in proximity to the Project. Levels of service decline with the additional traffic and in several cases the only way to improve intersection operations involves public transportation projects on state roads and on entrances and exits to such roads. All of the traffic mitigation measures are set forth in Section 5.3 of the 2016 CHA TIS, the "Tempel Lane Farms Analysis" Section 5.3 of the July 2018 Revised Phasing Plan letter March 2018 study.

13. CHA developed a phased improvement plan for the Regeneron Project which is summarized In Tables 8 and 13 of its July 2018 report to evaluate the timing of the

necessary traffic mitigation with and without Tempel Farms PDD (i.e., included in the "no-build" condition) upon the phase of the development of the Regeneron Project, CHA developed Table 14 of its 2016 report and Table 15 of it March 2018 report. These tables show the phases of development for the Regeneron Project as Phase 1-warehouse; Phase II manufacturing and Phase III office/laboratory.

14. The previously issued SEQRA Statement of Findings for Phase 1 of the Regeneron Project covered the traffic mitigation for the warehouse and no reason exists based on the data or the progress of development of the Tempel Farms PDD to revise the traffic mitigation that was required. With respect to Table 8 of the CHA July 2018 Revised Phasing Plan, which set forth the phased mitigation improvements, the tables assume that only one of the traffic mitigation measures is undertaken as a result of the construction of a portion of the Tempel Farm PDD (i.e., the hotel). This leaves the remaining mitigation to be completed for Phases II and III of the Regeneron Project.

15. These remaining mitigation measures are critically important to the Town. They include but are not limited to extending Tempel Lane to 3rd Ave. Ext. along the discontinued Town Right-of-Way and aligning the extension of Tempel Lane with 3rd Avenue across from Cedar Crest Drive. This traffic mitigation measure appears in the Mill Creek Commerce Park PDD SEQRA documentation, in the Tempel Farms PDD SEQRA documentation and in the July 2009 Western East Greenbush Final Generic Environmental Impact Statement at page 111. This necessary improvement links the Regeneron Project with the Tempel Farm PDD and it also impacts that area of the Town generally and absent its construction traffic conditions will continue to deteriorate in this area of the Town. The mitigation measure shall be evaluated for compatibility with Complete Streets principles, which should be incorporated into the design.

16. Also included in the remaining mitigation measures as referenced in Table 14 are the following:

- NY Route 151/Tempel Lane Intersection – Monitor for the installation of a traffic signal (Phase I and Phase II). Construct an eastbound left-turn lane on NY Route 151, a westbound right-turn lane on NY Route 151 and a southbound left-turn lane on Tempel Lane (Phase III).
- US Route 4/NY Route 151 intersection – E expand the roundabout to two lanes northbound/southbound and modify the eastbound approach so that left turns can be made from both lanes (Phase III).
- U.S. Route 4/3rd Avenue Extension intersection – Optimize existing traffic signal timing (Phase III).
- US Route 4/Grandview Drive intersection – Optimize existing traffic signal timing (Phase III).
- US Route 4/Hotel Access Road intersection – Construct a south-bound right-turn lane on US Route 4 (Phase III).
- 3rd Avenue Extension/Cedar Crest Drive/Tempel Lane intersection - Construct a two-way left turn lane for eastbound and westbound left-turn movements and

provide a shared northbound left-turn/through lane and a separate right-turn lane. Monitor for the installation of a traffic signal (Phase III).

- Provide spot repairs on Tempel Lane from the Regeneron Site Driveway to NY Route 151 where pavement is currently crumbling. (Phase I and Phase II).
- Provide a full depth pavement reclamation and/or new courses on Tempel Lane after build-out of the site and construction vehicles have finished using the road (Phase III).
- Tempel Lane/Regeneron Site Driveway – Construct a southbound left turn lane (Phase III).

These traffic mitigation measures are described in greater detail in the March 2018 CHA TIS, and validated in the July 2018 CHA Revised Phasing Plan letter updating the 2018 TIS.

H. Noise, Odor, and Light

1. The Project site is currently occupied by the Warehouse, the North Utility Corridor and associated infrastructure, as well as undeveloped vacant agricultural and forested land that is zoned for commercial use. There are no existing sources of noise, odor or light other than ambient, natural sources on the Project site.

2. No sensitive receptors, including residences, are located adjacent to where the warehouse and associated parking areas would be constructed. The nearest residences are located on Tempel Lane northwest of the site (approximately 1,500 FT away) and Third Avenue Extension (approximately 1,400 FT away).

3. Existing ambient noise at the nearest property lines to the warehouse development site currently exceed the Town of East Greenbush's noise standard of 50 dB due to highway noise from I-90. The Project will produce noises that are typical for a warehouse office and manufacturing facility, including vehicular and truck traffic, but these noises are anticipated to fall below the Town's noise standard of 50 dB at the nearest property line.

4. There may be instantaneous noises such as vehicle horns and vehicle in reverse horns. However, wooded buffers exist between the Project site and residences, which will help attenuate any noise travelling off the site.

5. During construction, temporary noise impacts will occur. Any temporary effects will be attenuated by distance travelled so that they will be reduced in effect on sensitive uses located nearby.

6. No odors will be produced by the proposed action.

7. The site lighting will feature light poles with full cutoff fixtures along the roads and parking lots on the property to prevent glare. Additional spillover guards will be added so that the

backlight from the fixture will be blocked.

8. The building will have exterior lighting at all entrance/egress doorways. The lighting will be LED lights mounted on the exterior walls above the first floor and controlled by light sensors. The building lighting is not anticipated to contribute to light pollution.

9. The proposed action will not produce sounds above 50 dB. In addition, sensitive receptors are located approximately 1,400 – 1,500 FT from the proposed development area. The proposed action would not produce odors, and lighting would be down shielded with spill over guards. Therefore, no impacts would occur and no mitigation is proposed or required.

I. Air Quality

1. The Warehouse building has been constructed to use hot water from condensing boilers for heating, chilled water from air-cooled chillers for cooling, and rooftop air handling units to condition the main areas. In the office/laboratory facilities, the HVAC will be multiple water source heat pump units. The heat will be rejected from the loops in the cooling season by a roof mounted evaporative fluid cooler. Heat will be added to the loop in heating season by a shell and tube steam to water heat exchanger. The manufacturing and office/laboratory Buildings are expected to utilize hot water via firetube steam boilers for primary heating. Primary cooling will be chilled water from water-cooled centrifugal chillers. Firetube boilers and centrifugal chillers are to be located in the mechanical space in the northeast corner of the warehouse. There are no anticipated emission points for the warehouse, office/laboratory and security building. Laboratory vents are not planned for the manufacturing building. Tank vents will be used. These will be primarily to depressurize the vessels following a steam sterilization of the equipment. Vents will include clean compressed air steam/water vapor.

2. During construction, water will be sprayed on open areas of the site to suppress dust during dry or windy periods. Any area that is to be left open for more than 30 days will be temporarily re-vegetated and/or covered with mulch and/or erosion cloth.

3. An emergency generator was installed for the Warehouse. Such generators will be used for buildings in the remainder of the campus. They will be tested once a month with no load for 15 minutes. The gaseous emissions are in compliance with and do not exceed the USEPA Tier 2 nonroad regulations limits.

4. There are no operational air quality impacts that will occur as part of the proposed action, and any construction-related air quality impacts would be temporary in nature. Therefore, no mitigation is required or proposed.

J. Utilities

Water Supply

1. Water is provided to the Town of East Greenbush by the City of Troy under a purchase agreement. The average daily use from both residential and commercial users is about 1.37 million gallons per day (GPD). The available storage capacity is 10 million gallons utilizing two above-ground storage tanks located on Grandview Drive.

2. Upon completion of Phase I (Warehouse), water supply has been provided to the Project site. A 16-inch main was constructed from 3rd Ave. and extends to the Warehouse site. The 16-inch main has a tee for future extension. The main is owned by Regeneron. The Town and Regeneron acknowledge that water system interconnections with other Town water mains in the area may be necessary in the future.

3. In the Findings, proposed water demand was calculated for the entire Tempel Lane Campus (Warehouse and Phase II) as approximately 171,000 GPD. Current projections are about 218,773 GPD for the Warehouse and the remainder of the Project. The Town's current average daily flow is 1.4 million GPD. The current water supply system can supply up to 8 million GPD to the Town and City of Rensselaer. The pressure and available flow in the new 16-inch main to the Warehouse will provide adequate water supply for fire protection and consumption needs.

4. The water system extension and improvements for the Warehouse, Phase II, and Phase III will be subject to approval by the Rensselaer County Health Department. New connections to the Town's water supply are subject to approval by the Town. The design standards will meet NYSDEC 10 State Standards 2014.

5. The 16-inch water main and water system have more than sufficient capacity and pressure to service the Project's domestic water demands, and is capable of serving fire flow water demands. Given the reduced development scenario from the Commerce Park proposal, the proposed Project will not exceed thresholds established in the Commerce Park GEIS for impacts to the public water system, and no other mitigation is proposed.

6. The 16 inch water main installed by Regeneron will be made available to future users in the General Water District by agreement and establishment of a permanent easement to the Town containing the 16 inch water main and any use restrictions as may be necessary.

Wastewater

7. The Town of East Greenbush operates a Wastewater Treatment Plant (WWTP) where sewage is treated and discharged to the Hudson River. The WWTP has a capacity of 2.8 million GPD, and daily dry flows are 1.8 million GPD, or 64% of the capacity of the WWTP. Thus, the WWTP has the capacity to treat flows from the Project.

8. There were no sanitary sewers on the Project site. The Project site is located within the boundaries of the 3rd Avenue Sewer District. The nearest Town sanitary sewer is a 12-inch gravity sewer on 3rd Avenue Extension, which is in the 3rd Avenue Sewer District.

9. The Warehouse site is currently serviced by a small diameter low pressure sewer that handles about 2,500 GPD and which is connected to the existing Town system on Third Ave. No upgrades or improvements to downstream sanitary sewer facilities were required for the Warehouse connection and discharge to the Town's sewer system. A six-inch sanitary sewer force main line has been installed between the Warehouse area and the Town's system for future use.

10. The sanitary sewer extension and improvements associated with the manufacturing building and the remainder of the Campus has been designed to meet NYSDEC 10 State Standards 2014 design standards, and approval from the NYSDEC Division of Water prior to construction and connection. Regeneron will submit for Town approval specifications for the sanitary sewer improvements associated with the Project, including pump station specifications, as part of site plan review. In addition, Regeneron must submit an industrial wastewater discharge application to the Town so that the Town may determine what, if any, pretreatment standards may apply to sewage discharged by the manufacturing facilities or other discharges other than sanitary waste.

11. The Town sewer system in the collection area serving the Project site has a fixed capacity and relies on several pumping stations. The Project is estimated to produce about 113,250 GPD. Pumping system capacity is gauged on instantaneous flow projected in gallons per day, therefore the projected peak flow is 320 gallons per minute (GPM) from the full Project. The 3rd Ave pump station has a capacity of about 320 GPM and the Barracks Road pump station has a nominal capacity of about 350 GPM. The projected flow from the Project site will require additional pumping capacity and equipment upgrades and/or replacement at both the 3rd Avenue and Barracks Road pump station facilities.

12. The Town will contract for an engineering evaluation of the two pump stations and recommendations for replacement or upgrade of each pump station. Regeneron will fund the engineering study and the replacement or upgrades. The Project will also require an on-site pump station, which will be constructed and maintained by Regeneron. Regeneron will provide reporting to the Town to verify the sanitary flows are within the identified parameters.

13. The six-inch sanitary force main installed by Regeneron will be made available to future users in the Third Ave Sewer District by agreement and establishment of a permanent easement to the Town containing the six-inch sanitary sewer and any use restrictions as may be necessary.

Other Utilities

14. Electric, telephone, CATV, and gas connections exist currently on the Project site having

been built along with the Warehouse and its infrastructure.

15. Fiber optic communication service is being provided by Level 3 Communications, utilizing the North Utility Corridor to access the site.

16. National Grid provides electrical service from Tempel Lane to the main entrance to the site. It has extended overhead electrical service from the last utility pole on Tempel Lane. A second fiber optic communication line has been provided by Light Tower, which extends from the last utility pole on Tempel Lane and runs underground approximately 2,000 FT to the campus. An electric switching yard to service the Temple Lane Campus has been proposed.

17. Cable service has been provided through both fiber optic routes.

18. National Grid has indicated that there is capacity to provide gas and electric service to the Project. Therefore, no adverse impacts to local utility systems, including electric, telephone, CATV, or gas connections will occur, and no mitigation is required or proposed.

Stormwater

19. Stormwater management facilities are located on the Project site currently. They service the impervious surfaces created by the Warehouse portion of the Project.

20. Under-drained bioretention areas connected to either wet or dry extended detention ponds will be constructed on the Project site. The bioretention areas will provide treatment for the water quality volume. The wet and dry detention ponds will provide channel protection, and overbank and extreme flood mitigation. In addition, the post-development peak runoff will be reduced from the pre-development peak runoff scenario.

21. Stormwater quality will be affected both during and post construction. Therefore, a Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the manufacturing building project in accordance with NYSDEC SPDES General Permit GP-0-15-002, and a stormwater management report for the full site development (i.e., the expanded campus) has been prepared.

22. As an MS4 community, the Town of East Greenbush has been and will be responsible for the review and approval of proposed stormwater infrastructure design.

23. Given the reduced development scenarios from the Commerce Park proposal, the Project will not exceed thresholds in the Commerce Park GEIS and no other mitigation is prosed.

24. Regeneron will pursue a NYSDEC permit(s) under the multi-sector general permit for Tempel Lane Campus discharges. The Town will have MS4 oversight.

K. Community Services

1. The Town of East Greenbush provides community services such as police, fire protection and emergency services. The Town of East Greenbush Police Department, Troop G of the New York State Police, and the Rensselaer County Sheriff's Department provide service to the Project site. The Clinton Heights Fire Department provides fire protection around the site. Emergency medical services are provided by W.F. Bruen Rescue Squad.

2. The Clinton Heights Fire Department and the East Greenbush Police Department have indicated that no special handling requirements, emergency response requirements, nor specialized training and/or equipment will be required for their staff to adequately service the Project site. Chemicals stored at the site will not require special handling requirements.

3. This Project is not anticipated to make any demands on schools as their will be no new residences included in the Project.

4. The Project will not require any special handling or emergency response requirements; therefore, no mitigation is required or proposed.

L. Fiscal Impacts

1. The Project site generated a total of $92,470.21 in Town, County and School taxes paid in 2016. No employment was generated from the Project site.

2. The potential for cost impacts to the Town of East Greenbush and the potential for tax revenue was analyzed using the Proportional Valuation Method. This method is used for non-residential development fiscal impact analyses. Using this method, the development is assigned a portion of the Town of East Greenbush's municipal service costs based on the proportion of new property valuation to total municipal valuation. The cost is then subtracted from the projected tax payment to obtain the net fiscal benefit/impact from the Project.

3. According to the analysis, the Project is anticipated to result in a public service cost impact of $28,475 to the Town of East Greenbush. Using 2016 property tax rates, the Project would produce $712,061 in revenues to the Town of East Greenbush in annual taxes, with a net revenue to the Town of $683,586.

4. However, Regeneron intends to work with the RCIDA on a PILOT (Payment-In-Lieu-Of-Taxes) agreement for the property. The terms of the PILOT agreement are pending. It is anticipated that the PILOT will result in a reduced payment in year one, escalating by five percent per year, and terminating in 2027. The exact net benefit of the Project will be dependent on the terms of the PILOT.

5. Sales tax is estimated to be $3.9 million on taxable purchases for the construction of the Project. However, Regeneron will be requesting a sales tax exemption through the RCIDA.

6. The Project will create jobs and is anticipated to result in positive fiscal impacts on the Town of East Greenbush. Therefore, no mitigation is required or proposed.

3.0 ALTERNATIVES

The SDEIS reviewed possibilities for alternative Project access, layout, and scale concepts, as well as the No Action Alternative, under which no development would occur on the Project site. Under the No Action Alternative, Regeneron would not construct the new facility. Without this additional infrastructure, Regeneron's ability to grow and the growth of the technology sector in East Greenbush would be stilted. Therefore, the No Action Alternative is not a viable alternative for the purposes of serving the Applicant's or the Town's goals.

4.0 UNAVOIDABLE ADVERSE IMPACTS

No new adverse environmental impacts were identified in the FEIS that were not originally identified in the prior Findings Statement for the Commerce Park. While the scale of the Project has increased from the June 2017 Findings Statement, each potential impact has been evaluated and mitigated, and no new impacts have been identified. In each case where there was an identified impact, appropriate mitigation measures have been developed.

5.0 CONDITIONS

The following conditions are set forth below:

A. Satisfying outstanding technical details and third party permits and approvals as determined by the Designated Engineer and Town Planning and Zoning Department; and

B. All remaining fees and escrow are paid to the Town, including GEIS fees prior to issuance of building permit for the manufacturing building and each other construction that is part of the Project.

C. Applicant shall establish an escrow account to cover the costs of any necessary third party inspection services as determined by the Town Planning and Zoning Department prior to issuance of building permit; and

D. Any water and sewer mains shall be installed and used in accordance with all applicable standards, including those of NYS DEC, Rensselaer County Health Department and Town of East Greenbush Department of Public Works, prior to

issuance of a Certificate of Occupancy, and may be made available for future extension and use by the Applicant upon approval of the Town; and

E. The Applicant shall reimburse the Town for an engineering report on the needed upgrades to the 3rd Ave and Barracks Road pump stations, and the improvements or replacements called for therein.

F. The main access road to the site, Tempel Lane, shall be paved in accordance with the approved plans and all drainage shall be inspected and replaced as necessary by the Applicant subject to the satisfaction and approval of the Town Department of Public Works and Planning and Zoning Department prior to the issuance of a Certificate of Occupancy; and

G. The Town Board hereby finds that the Applicant is required to undertake the phased mitigation improvements set forth in Table 8 and Table 13 of CHA's July 2018 Revised Phasing Plan letter. These mitigation measures are necessary to minimize to the greatest extent practicable the traffic impacts of the Project. Many of these same improvements are also related to the Tempel Farms PDD. The Town Board finds that the assumption that is made that a majority of the improvements will be undertaken in advance with the build-out of Tempel Farms PDD is unrealistic. Such a circumstance is unlikely to occur on a timeframe that works for either project sponsor or for the Town given the increasingly unacceptable impacts to the local transportation system that are predicted to occur. The Town Board will work with the Applicant and the owners of the Tempel Farms PDD, both of whom appear to be progressing their projects incrementally, to assist in addressing the needed transportation mitigation measures set forth in Table 8 and Table 13, by prioritizing the measures and making reasonable efforts to augment the private funding to be provided by the Applicant with public funding for public transportation improvements. The source of such public funding may be mitigation fees and State grants, among other appropriate sources.

H. Consistent with the recommendations contained in the SDEIS, the Applicant shall conduct a traffic monitoring program for the Town of East Greenbush that will monitor site traffic generation on the site access road (Tempel Lane) in order to verify actual Project generated traffic volumes of the Project for all phases of the Project. If, for example, it is found that the site trip generation exceeds the projected traffic volumes estimated in the EIS, a traffic signal warrant evaluation shall be conducted for affected non-signalized intersections, including at the NY Route 151/Tempel Lane intersection. It may be necessary to re-evaluate mitigation as it specifically relates to the actual traffic impacts of the Project. If inadequacies in the present traffic mitigation plan are revealed in the traffic monitoring analysis, the Town reserves the right to require that the Applicant install reasonable traffic mitigation measures at the sole cost to the Applicant. Implementation of said monitoring shall be subject to the following:

i. Check existing traffic volumes and distributions after the opening of the warehouse and any future phase and concluding no sooner than one year after the granting of a Certificate of Occupancy after the completion of each phase.

ii. Install an ATR on Tempel Lane prior to the site driveways to count hourly traffic volumes over the course of an entire day associated with the Warehouse and any future phase.

iii. Determine the existing trip generation of the site and compare with the EIS projected traffic volumes, recognizing that a 10% variation in site generated traffic at the site entrance shall be considered reasonable and not require additional study or mitigation.

iv. If the site trip generation exceeds the projected trip generation by 10%, then the Applicant will install automatic traffic recorders (ATRs) to count hourly traffic volumes over the course of an entire day on each approach of the NY Route 151/Tempel Lane intersection and conduct a signal warrant evaluation at this location.

v. Recommend alternative or additional mitigation measures if deemed necessary. In no event shall any mitigation required hereunder cause the Applicant to construct off site traffic improvements greater than what is necessary to address the excess traffic actually generated by the Project or to bring the Project traffic distributions back to those levels projected in the EIS.

vi. The annual traffic monitoring plan will no longer be necessary if the site trip generation assessment conducted in two consecutive years after the site is completely occupied (i.e., all phases have been constructed and occupied) indicates that the proposed Project does not generate more traffic than projected in the EIS.

vii. Applicant to provide suitable escrow as determined by the Town Planning Department to allow for the Town to retain the services a traffic consultant for technical review.

l. Any and all comments received from the Clinton Heights Fire Department and marked as satisfied via email dated October 16, 2016, and accompanying letter dated October 18, 2016, shall be incorporated into all Project plans prior to the issuance of a building permit; and

J. The owner shall enter into a Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity prior to issuance of a Certificate of Occupancy.

4830-8386-6746,