

**MEMO – DRAFT – FOR DISCUSSION PURPOSES ONLY – 5/13/26**

**RE: TOWN OF ALABAMA
STAMP SEQR FINDINGS
STREAM AI DATA CENTER
SEQR FINDINGS COMPARATIVE MEMO**

The STAMP project was the subject of a Generic Environmental Impact Statement (GEIS) and Positive Findings were issued by the GCEDC. *The GEIS prepared by GCEDC (that went through a very arduous process) was a thorough/technical GEIS that analyzed all of the potential environmental concerns of this large, long term, Industrial development project. The GEIS and its Findings (70+ pages long) included many conditions and thresholds to help ensure that any project proposed at STAMP could be properly evaluated.*

When another Involved Agency must make their first discretionary decision on a project that was the subject of an EIS (or GEIS), that Involved Agency must issue their own SEQR Findings.

For the STAMP project, the Town of Alabama Town Board was entering into an Incentive Zoning Agreement (IZA) and therefore issued their own SEQR Findings (Positive Findings) on the STAMP site prior to entering into that agreement. In the Town Board's SEQR Findings and in the IZA, the Town established actions, thresholds and mitigations to ensure that future projects did not create significant environmental impacts in the Town. For example, the Town adopted zoning regulations and design standards for STAMP projects, the Town updated its Comprehensive Plan (and the County updated its Smart Growth Plan), and the Town completed an Agricultural Protection Plan (County also completed a new Ag Plan).

When the first project proposed at STAMP that needed Planning Board site Plan approval was proposed, the Planning Board issued their SEQR Findings (Positive Findings). For both the Town Board and Planning Board, they utilized much of the Lead Agency's Findings but made the document represent the issues specific to that agency/Approval Board. Their SEQR Findings included information from the Lead Agency Findings but also includes conditions and thresholds specific to the Planning Board. The Alabama Town Board and Planning Board converted their Findings into a Findings Form to help them evaluate projects against their Findings.

When a project is proposed within STAMP, it has been the practice of the GCEDC to re-establish themselves as SEQR Lead Agency to complete their review of the application against their SEQR Findings to determine conformance with their Findings. *This is good practice as it allows the GCEDC to get input from other agencies prior to making their decisions (the NYSDEC letter helps with their*



decision). That particular project cannot proceed to other approvals and decisions until the GCEDC does their analysis of the project. If the GCEDC concludes that the project would require a SGEIS, they would run that process (same process as the GEIS). If they conclude that it is in conformance or issue a Supplemental Findings or Amended Findings, the project can proceed with its other regulatory approvals and decisions.

Current Project- Stream AI Data Center

When a project appears before the Alabama Planning Board, the Planning Board must review the project against their SEQR Findings. Hopefully, with good coordination, they will make the same decision as the Lead Agency. The documentation provided to the Lead Agency and the Town will allow them to complete the required analysis.

The Planning Board has been reviewing the proposed Stream Data Center project against their Findings document, receiving input from other agencies and the public, and identifying areas that may require additional evaluation.

As stated in the SEQR Handbook, when an agency is evaluating whether to prepare a supplement, it should examine if changes in the project, newly discovered information, or a change in circumstance have the potential to result in any new, previously undisclosed, or unevaluated impacts that may or may not have a significant adverse impact. This evaluation may take the form of a comparative memorandum. For more complex changes, DEC recommends the evaluation be further supported by use of a revised EAF (note; we have on file) when making this determination.

Comparative Memo Analysis

In reviewing the Findings document and the GEIS, and receiving input from the Lead Agency, other agencies, and the public, the Town Planning Board has determined (still being worked on) that the following potential “project changes”, “new information” and “changes in circumstances” should be reviewed and analyzed (Note; other issues are reviewed against the Findings document):

- A. Project Changes (Overall STAMP project changes)
 - 1. Use of more power at the STAMP site
 - 2. Wastewater disposal
 - 3. Job creation
 - 4. Type of Use
 - 5. Magnitude and phasing of the project

- B. New Information
 - 1. Issue of infrasound
 - 2. Back-up power, generator alternatives and permitting

C. Change in Circumstances

1. New regulations
2. Changes in the project area
3. Tonawanda Seneca Nation coordination
4. Withdraw of Plug Power from the site

The following represents the analysis (to date – draft) of these issues:

A. Project Changes

1. Use of more power at the site.

The original GEIS and Findings for the GCEDC included a threshold of 185 MW of power for the STAMP site. This threshold was based on the availability of power at that time. Since the original adoption of the Lead Agency’s Findings, the GCEDC has changed this threshold based on changes to the availability of power for the site. Most recently, the GCEDC raised this threshold to 600 MW of power. See the attached GCEDC resolutions on this matter

The Town Board and Planning Board included the threshold established by the GCEDC as their threshold for power. In approving the Plug Power project, the Planning Board and Town accepted the higher power thresholds for the site based on the GCEDC’s actions (the Planning Board also approved the site plan for the larger sub-station).

In reviewing this change and past changes the Town has determined that this change has no additional environmental impacts. The raising of the power threshold includes no physical changes to the project and does not change the Impacts to Land, surface or ground waters, community character, aesthetics, etc. (as evaluated in the GEIS).

An issue raised by the public includes the potential impacts to electricity costs. This is not an environmental issue that has been or will be analyzed by the Planning Board. This increase in energy usage does not require the construction of additional infrastructure and the power company has allotted this power to the STAMP site and this project

2. Wastewater disposal

The original GEIS for this project included the construction of a wastewater treatment system for the STAMP site and set thresholds for the amount of wastewater that could be generated by STAMP. The GEIS also included conditions for the generation of non-sanitary wastewaters.

Over the past decade, the GCEDC has evaluated various alternatives for disposing of wastewater from the site. A final plan has not been created and when it is created it will require the environmental analysis of that alternative.



For the proposed Stream project, the applicant is proposing the storage of sanitary wastewater flows in a holding tank (like the previous projects approved at Stamp) and eventual trucking to an off-site treatment facility. The Stream project will only generate sanitary wastes from the bathrooms at the site and not produce any “industrial” wastewater flows. The amount of wastewater being generated is quite small and comes nowhere near the levels indicated as thresholds in the GEIS Findings.

As determined with the other approved applications, this temporary system (holding tank which has already been constructed) has no additional environmental impacts that require analysis. No additional major construction is necessary and the wastewater will be collected and trucked to an approved wastewater treatment facility.

3. Job creation

The original GEIS, for environmental impact purposes (traffic, wastewater generation, etc.), set an estimate of 6,000 to 9,000 jobs to be created at STAMP. In evaluating the environmental impacts from STAMP the Lead Agency, the GCEDC, was allowed to balance environmental impacts against the creation of jobs. Jobs themselves are not environmental impacts to be evaluated.

For the Town of Alabama, the Town did not balance the economic impacts of job creation against other potential environmental impacts. The Town did not base any decisions on job generation, just the economic benefits that they would receive from the Incentive Zoning Agreement (IZA). The approval of the IZA has provided the Town with public water, money to pay for new zoning and planning studies, and receiving other monies to make improvements in the Town and potentially reduce taxes.

Again, job creation is not an environmental impact that is analyzed in SEQR.

The Town actually sees the creation of less jobs at the site as creating less environmental impacts to the Town (less people, less traffic, reduced water and sewer needs, etc.).

4. Type of use

There have been questions raised that a data center project was not a use that was analyzed in the GEIS, that it is not allowed in the STAMP site, and the impacts of a data center were not properly evaluated.

The GEIS though does include references to data centers in its evaluation of impacts, and the Town created zoning that would allow this type of use.



The Town believes that this type of use was properly evaluated in the GEIS, and the zoning code that was adopted, after the SEQR Findings were issued, does include facilities like data centers.

It is further the opinion of the Town and its consultants, that data centers are one of the least impactful uses that could be placed in STAMP. They generate very little traffic, small demands for water (the type of system proposed), the generation of small amounts of wastewater, does not include any hazardous materials or produce any hazardous materials, requires little permitting from other agencies, the buildings are aesthetically acceptable – resembling office buildings, and can be located properly on the STAMP site.

5. Magnitude and Phasing of the project

The GEIS evaluated impacts of over 6,000,000 sf of building construction. This project at full build-out and with the Edwards Vacuum project represents less than one half of this full build-out of the STAMP site. The conceptual plans included in the GEIS illustrated and evaluated very large buildings at this end of the STAMP site (see attached figure). The GEIS anticipated that the complete development of STAMP could take well over a **decade** of construction.

With that said, the Town understands the magnitude of this project and the impacts that may arise with the build-out/ construction of the entire Stream project taking place over a five-year period. The Town is working with the applicant to reduce these construction related impacts (fencing, berms, construction management agreements, Traffic agreements, Road Use Agreements with other agencies, hours of construction, etc.).

B. New Information

1. Infrasound. Some representatives of the public have raised concerns about infrasound and that the GEIS Findings and the Town's laws do not reflect this important issue.

The Town acknowledges that infrasound is not referenced in the GEIS and that the Town has no standards for infrasound noise. Although the Town and its consultants do not see the project generating infrasound (what would cause the production of infrasound?), the Town has investigated the issue. Town representatives took trips to facilities in Texas and in Portland to look at issues including noise. The Town also hired their own noise consultant to review the noise information submitted by the applicant on this subject. The Town has also asked the applicant for information on infrasound concerning their equipment selection. This work, at this time, is on-going.

2. Back-up power, generator alternatives and permitting



Back-up power supply, such as generators, was considered in the GEIS. The type and magnitude of this back-up power supply have been questioned by the public. The applicant and Town have been working on an alternative to minimize the amount of back-up power generators needed but still maximize the public health and safety of the residents and workers at the site.

3. Large scale duct banks running between the two campuses.

We have required that the applicant illustrate these duct banks on their drawings and provide additional information so that they can be properly evaluated.

C. Changes in Circumstances

1. New regulations

There have been concerns raised and agency questions about changes in government regulations since the STAMP Findings were made. Regulations dealing with wetlands and disadvantaged communities have changed.

The GCEDC has responded to this (see letter) by stating that the project, due to the work done and approvals received, is grandfathered from these regulatory changes. The GCEDC, as Lead Agency, will address this issue.

The Town will not issue any building permits until the project receives any other needed regulatory permits and approvals.

2. Changes in project area

Has the area around the STAMP site changed significantly or other projects built or been proposed since completion of the GEIS that would warrant additional analysis or a supplemental impact statement?

There have been no significant changes in the area surrounding STAMP since its original approval in 2012 (see comparison mapping).

It has been questioned that this project (a data center) is being proposed in an area of STAMP that did not include this type of large-scale development. Please see the attached figure and the Town's zoning which contemplated this scale of development at this end of the STAMP site.

3. Tonawanda Seneca Nation coordination

This is a requirement of the SEQR Findings.

The applicant continues to try to coordinate with the Nation. The Town has held public meetings and a hearing that included input from the Nation. The Town also received the official comment letter from the Nation (addressed to the GCEDC). See the GCEDC response to this issue.



The GCEDC will need to address this issue in their SEQR decision and meet any NYS or Federal requirements.

4. Withdraw of Plug Power from STAMP

The Plug Power site has been purchased by Stream and will be utilized for their “south campus”. The Plug Power “sphere” is presently being removed, and Stream will utilize some of the Plug Power infrastructure.

This does not appear to create any additional impacts evaluated in the GEIS, but the Town’s engineer is reviewing this issue and will make sure that stormwater impacts are properly evaluated.