NIAGARA DIGITAL CAMPUS

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TEXT AMENDMENT REQUEST

HIGH ENERGY USE LAW

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May 14, 2025

City of Niagara Falls Planning Board
745 Main St.
Niagara Falls, NY 14301

Re: Text Amendment Request: High Energy Use Law in City of Niagara Falls Zoning Code

Dear Planning Board Members:

We represent Eleventh Street Properties, LLC and its affiliates, including Niagara Falls Redevelopment, LLC (collectively, "NFR"). On behalf of NFR, we are pleased to submit to the Planning Board of the City of Niagara Falls (the "City") the enclosed application seeking a text amendment (this "Text Amendment Request" or "Request") to the City's Zoning Ordinance (the "Zoning Code"). In accordance with Section 1302.4 of the Zoning Code, NFR encloses numerous Attachments (listed below and referred to herein), as well as a check for the requisite application fee of $500.00.

The Zoning Code's text amendment process is embodied in Section 1302.4 of the Zoning Code. This Text Amendment Request satisfies the applicable Zoning Code Sections, as detailed below.

A. Compliance with Zoning Code Section 1302.4.1(A)

In accordance with Section 1302.4.1(A)—which states that text amendments are the appropriate "tool to adjust the provisions of this Zoning Ordinance and the Official Zoning Map in light of changing, newly discovered or newly identified conditions, situations or knowledge and maintain consistency between the zoning and the goals, objectives and policies contained in the Comprehensive Plan"—NFR proposes that the City amend its High Energy Use Law (Section 1319 of the Zoning Code, the "HEUL") to provide the City Council with greater flexibility regarding the location of high energy uses and to address certain noise restrictions that have proven to be unattainable and problematic both to the City and its residents.

It is important to note that in September 2022 City Councilmembers David Zajac and John Spanbauer predicted the value of revisiting the HEUL in order to ensure it is appropriately tailored

and responsive to this emerging data center industry.[1] As this Text Amendment Request details, the City's recent experience with the current version of the HEUL has shown that revisions to the HEUL would be beneficial to the City, its residents, and potential developers in furthering the purposes of the City's Comprehensive Plan and the interests of the City's residents by allowing the City to more efficiently leverage its unique opportunities in welcoming this industry.

Enclosed as **Attachment A** is a document containing proposed revisions to the HEUL (the "Revised HEUL"), which we believe are necessary for the City to embrace the opportunities presented to it by this emerging data center industry while addressing the aspects of the HEUL that have proven problematic. The Revised HEUL (1) removes the restriction of high energy uses to I2 districts, (2) sets the baseline noise level requirement for high energy uses as the greater of pre-construction ambient noise levels or the HEUL's baseline noise level requirements, and (3) allows the City Council to approve deviations from the existing law's setback and buffer requirements. Through these changes, the Revised HEUL provides the City Council with maximum flexibility in siting high energy projects in the areas where energy resources are already available and addresses issues that have become stumbling blocks for the City's effective implementation and enforcement of the HEUL and are stymying the development of the data center industry clearly desired by the City Council.

As the City is aware, since the inception of the HEUL, the City has faced numerous lawsuits[2] pertaining to the duplicative, unnecessarily restrictive, and overlapping noise control provisions in the HEUL—restrictions that were controversial, if less fully understood, even at the time of the HEUL's passing. The City's experience with the development known as "Blockfusion," whose environmental review recently concluded, illustrates this point well. Specifically, Blockfusion was able to show that ambient noise levels in its area exceed the existing law's thresholds even when the facility is not operating, and even at distances exceeding the HEUL's setback distances. The Blockfusion experience demonstrates that it is virtually impossible to comply with the existing noise control provisions in the HEUL, even in an I2 district, making it likely that the HEUL has effectively, though presumably inadvertently, foreclosed high energy uses and data centers throughout the City.

Indeed, that draconian result is not unique to the I2 district in which the Blockfusion development is sited. NFR recently commissioned an ambient noise impact evaluation of the area bounded by Falls Street to the north, John B. Daly Boulevard to the west, 14th Street to the east and Buffalo Avenue to the south (the "Noise Evaluation"). *See* **Attachment B**. As evidenced by

[1] Comment by Councilmember Zajac at the public hearing for the HEUL on September 6, 2022: "And, you know, is this Code perfect? Probably not. Will we go back to it and revisit it in a year or so? I would probably say most definitely, just to make some changes and try to make it even better. But I do think this is in the right direction to welcome an industry." Comment by Councilmember Spanbauer at the public hearing for the HEUL on September 6, 2022: "To close, my last comment is that I do believe we have to make a full evaluation of this Code if it is approved within the next year with all parties involved, the industry, the administration, our residents, and see what needs to be tweaked on it."

[2] *City of Niagara Falls, New York et al v. U.S. Data Technologies Group, Ltd et al*, (E178623/2022); *U.S. Data Technologies Group, Ltd., et al v. City of Niagara Falls, et al,* (E178922/2023); *North East Data, LLC, d/b/a Blockfusion v. City of Niagara Falls* (E178915/2023).

the Noise Evaluation, the current noise levels in the Residential, Institutional, Downtown and Commercial zoning districts in that area also exceed the noise control provisions in the HEUL. While the HEUL currently restricts high energy uses to I2 zoning districts, ambient noise levels in other non-I2 zoning districts already exceed noise restrictions embodied in the HEUL. The unworkability of the HEUL noise control provisions was pithily acknowledged by one Councilmember in 2022, when he characterized the HEUL's numerical noise thresholds as "monastery quiet".[3] This reality not only renders the HEUL's noise restrictions arbitrary, but it serves to unnecessarily restrict development in areas of the City that have energy resources readily available for economically beneficial and commercially viable projects.

By adopting the Revised HEUL to incorporate a "subjective" maximum threshold equal to the greater of (a) pre-development ambient noise levels at a project's location or (b) the current HEUL standards, the Revised HEUL alleviates the need for the City to continue defending claims that the existing "objective" numeric thresholds are arbitrary and capricious or otherwise illegal. Similarly, by empowering the Planning Board to deviate from the duplicative setback restrictions, the City can simplify the HEUL to provide clear guidance for developers that encourages innovative solutions to noise mitigation. The Revised HEUL substantially improves the way the HEUL addresses noise issues, making it more enforceable, more predictable, and fairer, all of which ultimately advance the development of high energy uses, economic growth, and the goals set forth in the City's Comprehensive Plan.

Important, too, is that the Revised HEUL in no way lessens City Council control over high energy development. In fact, the Revised HEUL offers the City an additional level of control over the development of high energy uses by eliminating the unnecessary restriction of high energy uses to I2 districts. As well documented in the record for the enactment of the HEUL, the City Council previously considered development of high energy uses outside of I2 districts, and, indeed, some language of the HEUL still appears to contemplate that concept.[4] By their nature, overlay districts are intended to regulate development connected to unique property features that transcend specific planning districts in order to tailor such development to the realities presented by those features.[5] By tying high energy uses to I2 districts, the original HEUL ignored the realities of where energy is readily available in the City and how that energy may be effectively deployed for commercial development. The Revised HEUL addresses this conceptual flaw, while preserving the City's ultimate control over such development regardless of the district in which it is proposed. By the same token, the public's interests are not served by limiting all commercial high energy development to I2 districts. As shown in NFR's detailed Concept Plans (prepared for submission with NFR's PUD Application but also included as **Attachment C** to this letter), the commercial Data Center at the Niagara Digital Campus is nothing like the exploitative, ad-hoc cryptocurrency projects the City has experienced to date. To the contrary, high energy uses such as the Data Center

[3] Comment by Councilmember Myles at the public hearing for the HEUL on September 6, 2022.
[4] The definition of "High Energy Uses" in the HEUL is "Business activities that require high energy consumption compared to businesses in the applicable district(s) of the City of Niagara Falls." Several other sections reference "underlying district" or "district(s)" rather than specifically limiting those provisions to I2 districts.
[5] Local Government Zoning and Land Use Regulation: Overview, Practical Law Practice Note Overview w-022-1118.

at the Niagara Digital Campus can be built from the ground up to blend with uses in surrounding districts and be tailored to the City's desire to address the impacts of such uses—just as NFR's development partner, Urbacon Data Centre Solutions Inc. ("Urbacon"), has done in high-density urban locations in Montreal and Toronto. *See* **Attachment F** (Urbacon's Data Centers). In short, not all high energy uses are subject to the risks inherent in the volatile cryptocurrency market and off-peak power pricing advantages, and not all of them have to look like shipping container farms with the bare minimum of allowable visual and noise mitigation.

Whatever the good intentions and valid concerns may have been at the time the current HEUL was adopted, the City's experience over the past several years, coupled with NFR's recently completed Noise Evaluation (attached hereto as **Attachment B**), makes plain that the law fails to accomplish its purpose in light of changing conditions and knowledge. By contrast, the Revised HEUL accomplishes the purposes of Section 1302.4.1(A) because, "in light of changing, newly discovered or newly identified conditions, situations or knowledge," it helps to "maintain consistency between the zoning and the goals, objectives and policies contained in the Comprehensive Plan."

B. Compliance with Zoning Code Section 1302.4.1(B)

Enclosed as **Attachment C** is the required application form. This Text Amendment Request is made by an individual property owner, Eleventh Street Properties, LLC, the owner of 220 Memorial Parkway, Niagara Falls, New York (Tax ID 159.10-1-3). As the City is aware, NFR has partnered with Urbacon to bring an innovative data center to downtown Niagara Falls[6]. The HEUL unreasonably and counterproductively forecloses non-exploitative, economically accretive commercial data center development, including NFR's, in the City's non-I2 zoning districts. However, while NFR is impacted by the HEUL, this Text Amendment Request is intended to benefit the City generally, and is not limited to property owned by NFR.

C. Compliance with Zoning Code Section 1302.4.2(A)(1)(a)

This Zoning Code Section requests "[p]roposed land uses, including number of dwelling units, gross floor area and land area for each such land use." This Section is inapplicable to the Text Amendment Request, which does not propose a new land use. The City has already declared a data center an appropriate use in the City. For the City's convenience, NFR encloses **Attachment D** (Concept Plans), which demonstrates that a data center could properly exist outside of an I2 zoning district in accordance with the Revised HEUL.

D. Compliance with Zoning Code Section 1302.4.2(A)(1)(b)

This Zoning Code Section requests "[p]roposed road system and all existing and proposed rights-of-way and easements, whether public or private." This Section is inapplicable to the Text Amendment Request which does not seek to approve a road system, etc. However, for the City's

[6] To be clear, this Text Amendment Request does not seek to approve the Data Center at the Niagara Digital Campus. NFR is aware that other approvals are necessary to accomplish that.

convenience, NFR encloses **Attachment D** (Concept Plans), which demonstrates that a compliant road system could exist for a data center outside of an I2 zoning district in accordance with the Revised HEUL.

E. Compliance with Zoning Code Section 1302.4.2(A)(1)(c)

This Zoning Code Section requests "[t]he interior common open space system and a statement as to how it is to be owned and maintained." This Section is inapplicable to the Text Amendment Request, which does not seek to approve the layout of a data center, etc. However, for the City's convenience, NFR encloses **Attachment D** (Concept Plans), which demonstrates that a compliant data center could exist outside of an I2 zoning district in accordance with the Revised HEUL.

F. Compliance with Zoning Code Section 1302.4.2(A)(1)(d)

This Zoning Code Section requests "[t]he interior drainage system and how it is proposed to be connected to the drainage systems of adjoining areas." This Section is inapplicable to the Text Amendment Request, which does not seek to approve a drainage system, etc. However, for the City's convenience, NFR encloses **Attachment D** (Concept Plans), which demonstrates that a compliant drainage system could exist for a data center outside of an I2 zoning district in accordance with the Revised HEUL.

G. Compliance with Zoning Code Section 1302.4.2(A)(1)(e)

This Zoning Code Section requests "[i]f the development is to be staged, clear indication of how the staging is to proceed." This Section is inapplicable to the Text Amendment Request, which does not seek to approve a construction staging schedule for a development. However, for the City's convenience, NFR encloses **Attachment D** (Concept Plans), which demonstrates that a data center can be properly developed and properly phased outside of an I2 zoning district in accordance with the Revised HEUL.

H. Compliance with Zoning Code Section 1302.4.2(A)(1)(f)

This Zoning Code Section requests "[e]vidence of how the proposal would meet the planning objectives of the Comprehensive Plan and/or the proposed District." Adopting the Revised HEUL meets the planning objectives of the City's Plan. As clearly demonstrated by **Attachment E,** the Economic and Fiscal Impact study prepared by MRB Group, dated March 2025 (the "MRB Study"), illustrates that a data center located outside of an I2 zoning district in accordance with the Revised HEUL will have a massive positive economic impact to the City through significant levels of new employment and an increased tax base. Specifically, the following Comprehensive Plan goals will be satisfied if data centers are permitted outside of I2 zoning districts in accordance with the Revised HEUL by:

- Supporting significant development of the East Falls Redevelopment Area through a strategic and economic data-driven collaboration with NFR to find a unique development niche that strengthens the overall economic position of the City;[7]

- Supporting private sector initiatives aimed at generating and strengthening new employment growth sectors; the MRB Study shows NFR's data center project would add over 950 jobs to the community annually for the next 20 years;[8]

- Addressing issues resulting from the steady decline of the City's tax base; the MRB Study shows NFR's data center project would result in over $17 million in annual tax revenues to the City, Niagara County, and school districts for the next 20 years;[9]

- Building and capitalizing on the City's existing assets as being the number one principle for the City's renewal; what could not have been anticipated by the drafters of the Comprehensive Plan at the time of its adoption in 2009 was the high energy opportunities that would be made possible by the City's energy infrastructure with the advent of AI and other computing technology;[10]

- Supporting the economic diversification of the City;[11] and

- Not detracting from other development efforts around the City as cautioned by the Comprehensive Plan; NFR's data center aligns perfectly with this Comprehensive Plan imperative because it is aimed at developing an emerging use to which the City is uniquely suited due to its geographical location and existing energy infrastructure availability.[12]

Further, the Noise Evaluation (**Attachment B)** supports the development of a data center outside of an I2 zoning district in accordance with the Revised HEUL as it demonstrates that such project could meet the requirements of the HEUL, as amended, through cutting edge engineering, construction, and noise mitigation techniques, resulting in no increases in ambient noise levels at locations well within the City's setback distances. This evidences that the setbacks in the HEUL are overly restrictive and bad for business.

Likewise, the HEUL relies upon a misconception held by the City that all "commercial data centers" are "industrial," suitable only for areas determined to be appropriate for industrial uses under the Plan. Not so. Data centers across the nation and internationally exist seamlessly outside of industrial zoning districts. For example, Urbacon, NFR's partner, has developed numerous data centers in downtown settings (like where the Data Center at the Niagara Digital

[7] Page 88 of the Comprehensive Plan.
[8] Page 6 of the Comprehensive Plan. See also, the City's Urban Renewal Plan highlighting barriers to private investment and the lack of economic opportunities in the Downtown Core.
[9] Page 10 of the Comprehensive Plan.
[10] Page 27 of the Comprehensive Plan.
[11] Page 2 of the Comprehensive Plan.
[12] Page 88 of the Comprehensive Plan.

Campus has been proposed). Attached as **Attachment F** are examples of Urbacon's other data centers located in downtown settings, or settings with residential uses nearby. These data centers have been successful and well received at sites that are in commercial and residential mixed-use districts in cities of similar development patterns and populations to the City. This fundamentally flawed premise of the HEUL is corrected in the Revised HEUL.

I. Compliance with Zoning Code Section 1302.4.2(A)(1)(g)

This Zoning Code Section requests "[e]vidence to demonstrate applicant's competence to carry out the plan and his awareness of the financial and organizational scope of such a project." This Section is inapplicable to the Text Amendment Request, which does not seek to approve a specific project for a development. However, as detailed above, the MRB Study (**Attachment E**) provides an analysis of the construction process and operations requirements for the Data Center at the Niagara Digital Campus and demonstrates the economic impact a data center located outside the I2 zoning district will bring to the City, through significant levels of new employment and an increased tax base.

J. Compliance with Zoning Code Section 1302.4.2(A)(1)(h)

This Zoning Code Section requests "[s]uch further and other documentation as the Planning Board may deem necessary or appropriate." No such documentation has been requested, so this section is inapplicable to the Text Amendment Request. By the same token, this Text Amendment Request satisfies Zoning Code Section 1302.4.2(A)(1) and should be deemed complete.

K. Compliance with Zoning Code Section 1302.4.2(A)(1)(i)

This Zoning Code Section requests "[p]art 1 of a completed Full Environmental Assessment Form or, if appropriate, a draft Environmental Impact Statement." Enclosed as **Attachment G** is a Full Environmental Assessment Form for the Text Amendment Request, which tracks the Part 1 of the FEAF prepared by the City when enacting the HEUL.

In conclusion, this Text Amendment Request should be granted. The Revised HEUL offers the City Council the opportunity to revisit the HEUL as it predicted would be necessary when the law was originally passed in 2022. It offers a path to address the significant issues with the law that have created litigation for the City, and it offers the City additional flexibility so that high energy use development can be tailored to the parcels for which it makes the most economic and practical sense, while still ensuring that adverse impacts to the City's residents are minimized. Under the Revised HEUL, the City retains full control over such development, but it gets to avoid continued headaches created by the aspects of the HEUL that were recognized as problematic all the way back when the law was first passed. A data center located outside an I2 zoning district can be designed to utilize existing energy infrastructure not within I2 districts, while successfully mitigating the impacts experienced by the City with other projects and safeguarding resident quality of life. For these reasons, NFR respectfully requests that the Planning Board make a recommendation to the City Council that the Revised HEUL be enacted.

Thank you for your consideration. We respectfully ask to be placed on the **June 11, 2025** Planning Board meeting agenda for the required public hearing. We look forward to working with the City.

Respectfully submitted,

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C&S Companies
Department of Planning
Mayor Robert Restaino
Thomas DeBoy, Deputy Corporation Counsel
James Fittante, Acting Director of Code Enforcement

Attachments

Attachment A: Revised HEUL
Attachment B: Noise Impact Evaluation, Arcadis, April 2025
Attachment C: Application
Attachment D: Concept Plans
Attachment E: Economic and Fiscal Impact Study, MRB Group, March 2025
Attachment F: Urbacon's Data Centers
Attachment G: Full Environmental Assessment Form

ATTACHMENT A

CITY OF NIAGARA FALLS, NY
PROPOSED ZONING ORDINANCE AMENDMENTS

~~JUNE 13, 2022~~____ AMENDMENTS - HIGH ENERGY USAGE OVERLAY DISTRICT

~~**Additional definitions**: "Cryptocurrency," "Cryptocurrency Mining," "Cryptocurrency Mining Facility", "Data Center", "High Energy Uses",.~~

Amendments as shown as underscored language to be added to Chapter Sections 1302.2.3, 1302.2.4, 1302.2.8, 1302.2.9, 1302.2.13, 1302.2.16, 1302.2.18, 1319.5, and 1326.4

SECTION I The CITY OF NIAGARA FALLS, NY ZONING ORDINANCE Is hereby amended as follows:

* * *

1303 DEFINITIONS

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1303.2 List of Definitions:

* * *

1303.2.3 "C"

CONTAINERS or SHIPPING CONTAINERs — A unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container upon ships, rail, or other types of transportation and are usually 8' wide and 8'6" high by either 20' or 40' length. Any container, including shipping containers, which has been converted and installed so as to be compliant with the requirements of a "building" pursuant to the New York State Building Code shall not be considered a Container or Shipping Container for purposes of this Section 1303.

CRYPTOCURRENCY - Digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds which do not require the backing of banking institutions. Cryptocurrency includes but is not limited to Bitcoin, Ethereum, and Litecoin.

CRYPTOCURRENCY MINING - The operation of specialized computer equipment for the purpose of processing cryptocurrency transactions to verify and add such transactions to a public ledger, known as a blockchain, or any data processing required to release new units of cryptocurrency. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware; High Density Load (HDL) electricity use; a high Energy Use Intensity (EUI) where the operating square footage as determined by the Utility is above 250kWh/ft2/year, or with a high load factor, in addition to the use of equipment to cool the

hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

CRYPTOCURRENCY MINING FACILITY- Any facility where Cyptocurrency Mining is occurring, including a bitcoin blockchain verification facility or a bitcoin mine.

1303.2.4 "D"

DATA CENTER — A physical facility used for the storage, management, processing, and/or transmission of digital data, which houses business computer systems, networking equipment, power supplies including generators, subsystems, and other associated components related to digital data operations. Data Centers do not include the generation or mining of cryptocurrency. They may also include other associated infrastructure used to support digital data operations such as ventilation/cooling systems, offices, conference rooms, and other administrative space for the purposes of supporting digital data operations.

* * *

1303.2.8 "H"

HIGH-ENERGY USES - Business activities that require high energy consumption compared to other businesses in the applicable district(s) of the City of Niagara Falls. Cryptocurrency mining and data center are high-energy use activities, as defined in this Article.

1319 — OVERLAYS

* * *

1319.5 High Energy Usage Overlay District

A. Purpose: The High Energy Usage Overlay District is intended to accommodate certain businesses, with operations and facilities that require high energy consumption compared to other businesses in the underlying district(s), and, if not properly regulated, can compared with other industrial uses also create high-noise levels and other negative impacts. The City of Niagara Falls recognizes that the use of equipment and facilities for certain businesses, such as cryptocurrency mining and data centers, have a significant impact on energy consumption which may run counter to the City's commitment to further New York State's energy goals through the Climate Leadership and Community Protection Act (CLCPA) and Green Amendment. As an Environmental Justice community, the City must protect the public health, safety, and general welfare of the City's residents resulting from disproportionate environmental impacts.

To limit the cumulative impact that these businesses may have on the City, the City has determined that such businesses shall only be permitted within the boundaries of this overlay district. The City will impose conditions on businesses to mitigate impacts from high energy consumptions and other environmental impacts that may result from these businesses. This overlay district shall create incentive for new development in the area enhancing economic benefits, while protecting the public health and safety of the City's residents.

B. Findings: The City finds that the proposed uses in this District may produce unacceptable levels of noise. Excess noise has been implicated in a variety of health disorders, ranging from stress and hypertension to permanent hearing loss. Additionally, noise has been demonstrated to cause psychological problems: "[elven moderate levels of noise can heighten anxiety, decrease the incidence of cooperative behavior, and increase the risk of hostile behavior in experimental subjects." [Sidney A. Shapiro, Lessons from a Public Policy Failure: EPA and Noise Abatement, 19 Ecology L. O. 1,5 (1992).]1, Accordingly, the setbacks and buffers in 1319.5 have been created to protect other properties from unacceptable levels of noise.

1319.5.1 Applicability; Process

A. ~~The High Energy Usage Overlay District is restricted to the following zoning district: Industrial (I2).~~The High Energy Usage Overlay District is superimposed over the base zoning districts as set forth in Schedule 8: Zoning Map. The regulation in this section shall only apply to those lands located within the boundaries of the High Energy Usage Overlay District. In such overlay district, proposed land uses are subject to the requirements set forth in this section, and, unless specified otherwise, in addition to the requirements and standards applicable to the underlying district, including site plan requirements.

B. At the time of enactment of this section 1319.5, none of the uses authorized in the High Energy Usage Overlay District pursuant to section 1319.5.2, is a legally authorized use in the City of Niagara Falls. Nothing in this Ordinance shall be deemed as authorizing any person to conduct any of the of the permitted uses described in section 1319.5.2 prior to obtaining all approvals required by this section 1319.5, nor to continue to conduct any activity governed by this section 1319.5 while pursuing the approvals required by this section. Nothing in this Ordinance shall be deemed to grandfather in or otherwise permit any of the uses governed by this section 1319.5 and described in section 1319.5.2.

C. Applicants seeking to operate a Permitted Use identified in subsection 1319.5.2 shall petition the City Council for rezoning to High Energy Usage District pursuant to the procedure for Amendments under 1302.4 of this Ordinance.

D. Level 2 Site Plan Review pursuant to Section 1324.4.2 of this Ordinance shall be required.

E. A Special Use Permit shall be required for each use allowed in this District.

1319.5.2 Permitted Uses

A. Cryptocurrency Mining Facility

1. Cryptocurrency mining is prohibited as a home occupation or as an accessory use to any other use.

B. Data Centers

1319.5.3 SEQRA

Pursuant to the authority granted in 6 N.Y.C.R.R. 617.4, a rezoning, special use permit, and/or site plan under this Article, or a variance from and/or waiver of any requirement of this Ordinance for a High Energy Usage Overlay District use or structure, shall be classified as Type I, under the State Environmental Quality Review Act ("SEQRA") and shall be subject to review pursuant to SEQRA codified at Environmental Conservation Law Article 8, its implementing regulations at 6 NYCRR Part 617, and the City of Niagara Falls Zoning Ordinance Section 1326. All applications shall submit a Full Environmental Assessment Form in accordance with SEQRA, which shall include an evaluation by a qualified professional of sound levels and characteristics (such as pitch and duration) generated from proposed facilities in accordance with New York State Department of Environmental Conservation guidance for Assessing and Mitigating Noise Impacts.

1319.5.4 Supplemental Regulations

A. General Requirements

All proposed developments under Section 1319.5 shall meet the following standards:

1. All activities authorized by this Article shall be conducted only in "Buildings," as that term is defined in Section 202 of the 2020 Existing Building Code of New York State. The use of shipping containers, railroad cars, semi-truck trailers or similar storage containers, whether existing structures or new structures, is prohibited as any component of an operation within the High Energy Usage Overlay District unless such containers comply with all applicable provisions for a building under the 2020 Existing Building Code of New York State.

2. No facade shall have more than twenty percent (20%) of the area exposed with apparatus, including but not limited to, vents, fans, and HVAC systems.

3. Electric fields shall not create interference with off-site premises, including telecommunications services.

4. Environmental and Energy Impact Plan

a. Each applicant must provide an environmental and energy impact plan, prepared by a NY licensed engineer, in addition to the environmental assessment form required by SEOR.

b. At a minimum, this environmental and energy impact plan will describe: the source of energy, anticipated energy impact of the development, mitigation efforts to offset energy consumption, energy efficiency of the development. The submission shall include an assessment of the proposed use's potential electrical consumption on the capacity available to serve the other needs of the neighborhood (as defined by the electric circuit or substation for the property).

c. It will also include verification that any e-waste generated from the facility will be handled by a New York State Department of Environmental Conservation-licensed recycling firm.

5. Site Plan Review of projects with a High Energy Usage District shall consider whether additional landscaping, fencing, or other mitigation is required to mitigate noise and visual impacts Noise barriers shall use sound absorbing rather than reflective materials.

6. In addition to noise limitations in any other City ordinance, [unless deviation and/or waiver is approved by the Planning Board or City Council] it shall be unlawful for noise levels generated by a high energy use facility, which includes all buildings, structures, containers, and/or ancillary equipment of the facility on the same lot,

a) to exceed the greater of pre-construction ambient noise levels or 1) forty (40) dBA between the hours of 10:00 pm and 7:00 am, daily, and any time during weekend hours, and 2) fifty (50) dBA during any other time, as measured at the nearest property line of any property zoned and used for residential purposes

b) to exceed the greater of pre-construction ambient noise levels or sixty-five (65) dBA as measured at any property line of the noise source, if the adjoining property line (ignoring any public right-of-way) is zoned Industrial

c) to exceed the greater of pre-construction ambient noise levels or fifty (50) dBA as measured at any property line of the noise source, if the adjoining property line (ignoring any public right-of-way) is zoned anything except Industrial

~~d)~~ Measurements under this section shall be made by a Sound Level Meter (SLM), an instrument (commonly handheld) designed to measure sound levels in a standardized way. At a minimum, it is comprised of a microphone, a preamplifier, signal processing components and a display. For the purposes of this document, it shall be a Type 1 or 2 SLM (handheld type) meeting the American National Standards Institute (ANSI) S1.4 criteria standard; and

~~e)~~ Compliance with the provisions of this section shall be measured based on the adjoining zoning and uses as of the date on which application under Section 1319.5 is made for a permitted use.

B. Bulk Regulations

All permitted uses and their structures within the boundaries of the High Energy Usage Overlay District shall comply with the bulk regulation of the underlying district [unless deviation and/or waiver is approved by the Planning Board or City Council].

1. Setbacks

All structures housing a permitted use in a High-Energy Usage Overlay District are subject to the greater of the setbacks of the underlying zone or the following setback requirements, unless deviation and/or waiver is approved by the Planning Board or City Council. Notwithstanding requirements of an underlying district, no maximum setbacks apply.

	Adjoining District is Zoned Industrial	Adjoining District is Zoned Anything Except Industrial
Minimum Front Yard Setback	40 feet	50 feet
Minimum Side Yard Setback	20 feet	25 feet
Minimum Rear Yard Setback	20 feet	25 feet

2. Buffer

The closest portion of any building or other structure utilized for High Energy Usage Overlay District uses shall be two hundred (200) feet from the nearest boundary of any Residential or Neighborhood Commercial zoned parcels and 50 feet from the nearest boundary of any Traditional Commercial, General Commercial Downtown or Business Park, unless deviation and/or waiver is approved by the Planning Board or City Council.

3. Site Plan Applications shall include drawings demonstrating compliance with the Setback and Buffer standards of this Ordinance.

C. Building and Structure Compliance 1. Permitted uses in a High- Density Overlay District may only be conducted in buildings and structures fully compliant with the Uniform Code. No permitted uses in a High-Density Overlay District may be conducted in any building or structure unless a Certificate of Occupancy, as defined in the Uniform Code, has been issued for that proposed use in such building or structure.

***

1319.5.5 Conflict.

In the event of a conflict between this Section 1319 and any other portion of the City of Niagara Falls, NY Zoning Ordinance, the provisions of this Section 1319 shall supersede and govern.

1326 - ENVIRONMENTAL QUALITY REVIEW

* * *

1326.4 - Type I Actions

B. The granting of a zoning change, site plan, special use permit, or variance to a High Energy Usage Overlay District, pursuant to Section 1319.5.

* * *

Schedule 1— Use Table

* * *

See attached

SECTION II Severability Clause.

a) If any part of this Ordinance Amendment is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Amendment or the Ordinance.

b) If any specific requirement for a permit under Section 1319, or for a use permitted under Section 1319, is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining requirements for any required permit for a use permitted under Section 1319.

c) The City Council of the City of Niagara Falls hereby declares that it would have passed this Local Law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid

ATTACHMENT B

Data Center at Niagara Digital Campus

Noise Impact Evaluation

April 2025

Data Center at Niagara Digital Campus

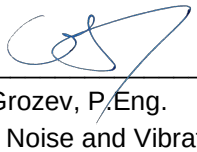
Noise Impact Evaluation

April 2025

Prepared By:
Arcadis Canada Inc.
8133 Warden Avenue, Unit 300
Markham, Ontario L6G 1B3
Canada
Phone: 905 763 2322

Prepared For:
Matthew P. Moscati
Principal
TRM Architect
448 Delaware Avenue
Buffalo, New York 14202

Our Ref:
30242207



Slavi Grozev, P.Eng.
Senior Noise and Vibration Engineer

Contents

Tables

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Appendices

1 Introduction

Arcadis Canada Inc. (Arcadis) was retained by TRM Architect (TRM), on behalf of Petitioners of the Data Center at Niagara Digital Campus Planned Unit Development (PUD) (also referred to as NFR), to prepare a noise impact evaluation (Study) in support of their PUD Petition to the City of Niagara Falls. The proposed PUD is bounded by Falls Street to the north, John B. Daly Boulevard to the west, 14th Street to the east and Buffalo Avenue to the south (the "PUD Property"). A concept site plan is provided in **Appendix A.** The primary use of the PUD will be a state-of-the-art data center (Data Center). In this connection, NFR has partnered with Urbacon Data Centre Solutions Inc. (Urbacon), which is a preeminent developer, constructor, and operator of hyperscale and build-to-suit data centers in North America, to bring the innovative Data Center to Niagara Falls. Because Urbacon will drive the Data Center's design, Arcadis studied other currently operating Urbacon facilities to assess potential noise impacts of the Data Center at the Niagara Digital Campus.

Since the current municipal approval sought currently solely relates to the development of a PUD or re-zoning, and not site plan approval, the future Data Center's mechanical and acoustical information are considered preliminary at this time, and conservative assumptions were made, as detailed below.

This Study evaluated the ambient sound level and compared to applicable local noise restrictions. Accordingly, with the use of site-applicable limits based on the existing ambient conditions, noise compliance has been achieved with the Data Center at Niagara Digital Campus design, reflected in **Appendix A**. Furthermore, based on the preliminary mechanical and acoustical information, the operation of the Data Center is not expected to increase the ambient sound levels by an audible amount.

2 Applicable Requirements

The following documents, policies and ordinance were used to assess anticipated noise levels at the PUD Property:

- New York State Department of Environmental Conservation – Assessing and Mitigating Noise Impacts;
- City of Niagara Falls, New York – Zoning Ordinance ("Zoning Ordinance"); and
- City of Niagara Falls, New York – High Energy Usage Overlay District Law ("High Energy Law")

The Zoning Ordinance provides sound level criteria of 65 dBA only for light manufacturing facilities, but no other types of facilities or uses. However, the High Energy Law includes additional criteria that may be determined to be applicable to the PUD. **Table 1** provides a summary of the criteria listed in the General Requirements in Section 1319.5.4 of the High Energy Law. The criteria are applied at the nearest property line of the listed City of Niagara Falls Zoning District.

City of Niagara Falls Zoning District	Between 10:00 pm and 7:00 am, daily and any time on weekends (dBA)	Between 7:00 am and 10:00 pm (dBA)
Residential	40	50
Industrial	65	
Others (excluding Industrial)	50	

Table 1: High Energy Law Sound Levels.

To characterize the existing acoustic environment surrounding the site, ambient sound level measurements were conducted from April 8, 2025, to April 10, 2025, at four (4) different locations along the perimeter of the PUD Property across from the adjacent land uses. Measurements were completed using two (2) sound level meters (SLMs) Larson Davis SoundExpert 821. Initial SLM deployment was on April 8, 2025, between 10:00 AM and 10:30 AM. The first SLM was deployed near the intersection of Falls Street and 12th street (Location 1), and another SLM was deployed near the intersection of Falls Street and Portage Road (Location 2). To conduct measurements on the opposite side of the site, one (1) SLM was moved at the Buffalo Ave and Memorial Pkwy intersection (Location 3) and another SLM was moved near the intersection of John B. Daly Blvd and Rainbow Blvd (Location 4), on April 9, 2025, between 10:30 AM and 11:00 AM. See **Figure 1** for locations of the SLM installations.

Sound levels in the area were noted to be primarily influenced by local road traffic and industrial activities. Local residential and commercial activities were noted to affect sound levels at times. As the site is in the flight path of local helicopter tours, some short-term, transient contribution was observed. Temperatures during the ambient measurements were low and there was no observed cooling demand of nearby residential, commercial and industrial buildings. As temperatures increase, cooling demand is expected to increase, thus an increase in the ambient sound levels is expected. Furthermore, increased road and air traffic is expected as the weather warms up and the tourist season picks up. Therefore, conducting ambient sound level measurements at this time of the year is considered to yield conservative results.

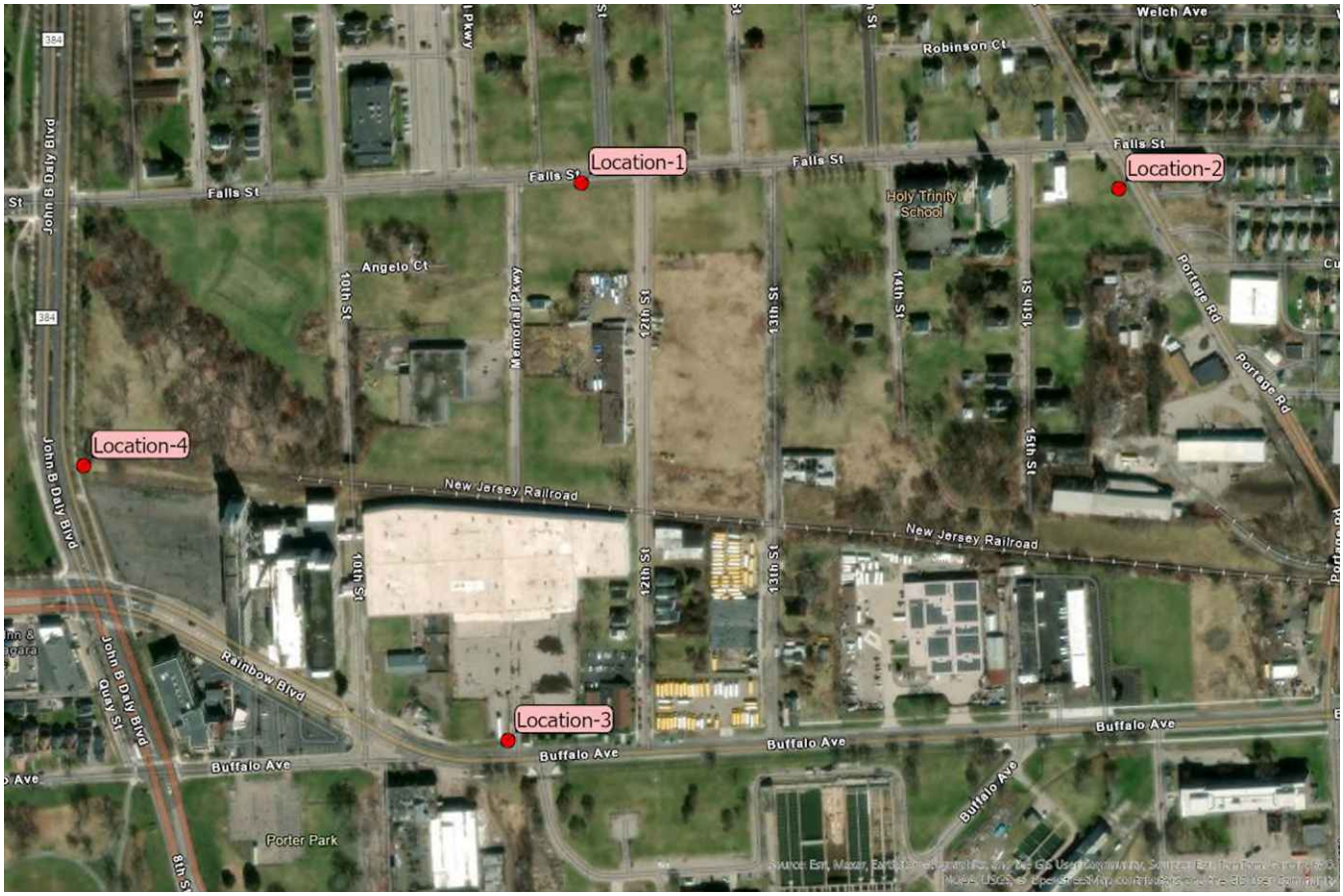


Figure 1: Ambient Noise Monitoring Locations

Measured sound level data was then processed to establish an LAeq (15-hr) and LAeq (9-hr) to represent the ambient sound levels during daytime (7:00 AM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM), as per the High Energy Law's time period, and is referred to below as the "Measured Ambient Sound Level." Transient events, such as air traffic, were noted to have an effect on short-term sound levels (~1 minute in length), but have no significant effect on longer time averaging periods, such as the 15-hr and 9-hr time periods. Since, a noise can only intrude if it differs in character or sound pressure level from the normal ambient sound, the most objective attempts to assess nuisance noise adopt the technique of comparing the noise with actual ambient sound levels or with some derived criterion.

The measured sound level at each location has been presented in the **Table 2** below.

Location	Measured Ambient Sound level – Daytime (7:00 AM – 10:00 PM) (LAeq-15hr)	Measured Ambient Sound level – Nighttime (10:00 PM – 7:00 AM) (LAeq-9hr)
Location-1	58	49
Location-2	57	50
Location-3	58	55

Location	Measured Ambient Sound level – Daytime (7:00 AM – 10:00 PM) (LAeq-15hr)	Measured Ambient Sound level – Nighttime (10:00 PM – 7:00 AM) (LAeq-9hr)
Location-4	58	55

Table 2: Measured ambient sound levels at each location.

The Measured Ambient Sound Levels at nearly each location is higher than the sound level limits of High Energy Law. The goal for any permitted operation should be to minimize increases in sound pressure level above ambient levels at the chosen point of sound reception. Since it is not feasible to achieve a lower dBA for a project than the ambient sound levels, the Measured Ambient Sound Levels are properly considered the applicable "Sound Level Limit." The applicable High Energy Law sound levels are reflected below. **Table 3** compares the sound levels contained in the High Energy Law to the Measured Ambient Sound Levels and establishes the applicable Sound Level Limit.

Receptor	Time Period	High Energy Law Sound Levels (dBA)	Measured Ambient Sound Level (dBA)	Sound Level Limit (dBA)
POR01	Daytime (7;00 AM to 10:00 PM)	50	58	**58**
	Nighttime (10:00 PM to 7:00 AM)	50	49	**50**[2]
POR02	Daytime (7;00 AM to 10:00 PM)	50	57	**57**
	Nighttime (10:00 PM to 7:00 AM)	40[1]	55	**55**
POR03	Daytime (7;00 AM to 10:00 PM)	50	58	**58**
	Nighttime (10:00 PM to 7:00 AM)	50	55	**55**
POR04	Daytime (7;00 AM to 10:00 PM)	50	58	**58**
	Nighttime (10:00 PM to 7:00 AM)	50	55	**55**
POR05	Daytime (7;00 AM to 10:00 PM)	50	58	**58**
	Nighttime (10:00 PM to 7:00 AM)	50	55	**55**
POR06	Daytime (7;00 AM to 10:00 PM)	50	58	**58**

[1] While POR02 is located in area currently zoned as Residential, the PUD Petition will seek to rezone to that area to the Data Center at Niagara Digital Campus PUD, so that 40 dBA is possibly inapplicable. Also, while POR02 is located in an area currently zoned as Residential, the area does not appear to be "used" for residential purposes, as required by the High Energy Law, so the 40 dBA is possibly inapplicable.

Receptor	Time Period	High Energy Law Sound Levels (dBA)	Measured Ambient Sound Level (dBA)	Sound Level Limit (dBA)
POR07	Daytime (7;00 AM to 10:00 PM)	50	58	**58**
	Nighttime (10:00 PM to 7:00 AM)	50	55	**55**
POR08	Daytime (7;00 AM to 10:00 PM)	50	58	**58**
	Nighttime (10:00 PM to 7:00 AM)	50	55	**55**
POR09	Daytime (7;00 AM to 10:00 PM)	50	58	**58**
	Nighttime (10:00 PM to 7:00 AM)	50	49	**50**[2]

Table 3: Measured Ambient Sound Levels and Sound Level Limits at each POR.

3 Methodology and Assumptions

Urbacon operates facilities similar to the operations planned for the Data Center at Niagara Digital Campus in the Canadian provinces of Ontario and Quebec. Sound level measurements of the equipment at these existing sites were conducted using a Casella CEL-63X Type 1 Sound Level Meter. This sound level meter meets the General Requirements for sound level meters outlined in Section 1319.5.4 of the High Energy Use Law. Equipment calibration certificates are provided in **Appendix B**.

Measurements of the Quebec facility were conducted on September 24, 2024, while measurements of the Ontario facility were conducted on September 26 and 27, 2024. It was noted that some of the outdoor mechanical equipment was not operational as the sites' cooling demands were not at their peak. To obtain worst-case sound levels, i.e. the highest possible sound levels, sound level measurements were conducted only of the equipment that was operational. A sound power level per unit area of 66 dBA was calculated from the equipment that was operational.

It was observed that there is a potential for tonal sound in the 5,000 Hz frequency under some operating conditions. The measurements indicated that the 5,000 Hz frequency meets the definition of tonal sounds per ISO 1996-2:2017. As such, a 5 dB penalty was added to the equipment sound power level.

To represent the worst-case operating scenario for the proposed new Data Center, the calculated sound power level per area was applied to the entire mechanical equipment yard. This approach is conservative as it is assumed that mechanical equipment will be placed end-to-end to completely cover each mechanical yard. In reality, some spacing will be required between each unit for cooling, maintenance, and access purposes.

As a conservative approach, the sound level impacts of a fully phased-in development, with all mechanical yards operating simultaneously at their maximum operating condition, were assessed, i.e. the cumulative effects of all five (5) building phases were assessed on the neighboring properties. As observed at the Canadian sites,

[2] While the Measured Ambient Sound Level at this location was 49 dBA, the High Energy Law has a threshold of 50 dBA and so this Sound Level Limit has been adjusted accordingly.

Urbacon's equipment sound levels fluctuate with cooling demand. This means that actual operating sound levels are likely lower than predicted, especially in the evenings when the cooling demands will be lessened.

4 Analysis

Noise modelling was completed using DataKustik's CadnaA software. CadnaA can predict sound levels surrounding a facility according to the ISO Standard 9613-2, "Acoustics – Attenuation of Sound during Propagation Outdoors". This ISO calculation method, considered conservative, accounts for reduction in sound level with distance due to geometrical spreading, air absorption, ground attenuation and acoustical shielding. The following parameters were used in the acoustic model:

- Overall Ground Absorption G was set to 0.40
- Temperature at 10 degrees and humidity at 70%
- All the buildings have been considered reflective
- Order of reflections set to two.

In addition, all proposed noise screens as detailed in Appendix A were considered to be absorptive in accordance with Section 1319.5.4 of the High Energy Law.

The following assumptions were made regarding the approximate heights of the sources, buildings and noise screens:

- Height of buildings (except for Phase 2B) – 30 feet
- Height of Phase 2B building – 15 feet
- Height of noise screens – 26 feet (minimum height)
- Height of mechanical equipment – 20 feet
- Height of perimeter masonry walls – 6 feet

Note that the height of the equipment is based on the approximate highest point on the equipment that was measured. This is a conservative modelling input as the mechanical equipment emits noise from various heights. Detailed measurements of each part of the mechanical equipment could not be undertaken. As design progresses, it is recommended that detailed sound level measurements are taken of the mechanical equipment.

The future Data Center's mechanical yards were modelled as area sources. It was assumed that any heating or ventilation equipment that will be used for office purposes will be insignificant in comparison to the mechanical yards. As design progresses, this assumption should be confirmed. **Figure 2** (following the report) shows the locations of the buildings, area sources and noise screens.

The sound level contours generated as a result of this analysis are reflected on **Figure 3** (following the report text)**,** and are referred to as Sound Level Contours.

5 Results

Figure 3 (following the report text) provides Sound Level Contours when all mechanical equipment is operating at the same time. The Sound Level Contours are representative of the Data Center at Niagara Digital Campus in accordance with **Appendix A**, and reflect the most potentially impacted property lines, represented by black and white "receiver" points, summarized in **Table 4**. **Figure 3** includes the applicable Zoning District location for each POR, and the Sound Level Contour. The Sound Level Contour is compared to the established and applicable Sound Level Limit. **Figure 3** analyzes whether the Sound Level Contour is above or below the Sound Level Limit,

and therefore, whether the Data Center at Niagara Digital Campus would be in compliance with applicable noise limits.

As detailed below, the Data Center at Niagara Digital Campus is in compliance with applicable noise restrictions at all POR locations.

Receiver ID	Niagara Falls Zoning District	Sound Level Contour (dBA)	Sound Level Limit (dBA)		In Compliance? (Y/N)
			Daytime (7:00 am – 10:00 pm)	Nighttime (10:00 pm – 7:00 am)	
POR01	Commercial	47	58	50[3]	Y
POR02	Residential[4]	47	57	55	Y
POR03	Downtown	46	58	55	Y
POR04	Downtown	51	58	55	Y
POR05	Downtown	47	58	55	Y
POR06	Institutional	51	58		Y
POR07	Downtown	53	58	55	Y
POR08	Downtown	55	58	55	Y
POR09	Downtown	49	58	50[3]	Y

Table 4: Summary of Results

Again, comparing the noise with actual ambient sound levels, resulting in a Measured Ambient Noise Level and thus the applicable Sound Level Limit, is the most objective method to assess nuisance noise. The applicable Sound Level Limit is met at all POR locations. The Zoning Ordinance's noise limit of 65 dBA is also met at all POR locations.

The ambient acoustic environment around the PUD Property is mostly influenced by industrial and road traffic noise. The actual operating sound levels of the Data Center at Niagara Digital Campus are likely to be lower than predicted, especially in the evenings and nighttime when the demand for mechanical equipment required for cooling will be lessened.

Further, note that only the lands east of Phase 5 are zoned Residential, multi-family, high density (R3-C), but do not appear to be "used" for residential purposes as required by the High Energy Law. None of the existing homes adjacent to the PUD Property appear to be presently occupied. The majority of parcels appear to be used for commercial purposes. Other adjacent lands are currently zoned for downtown, commercial, and institutional uses. Thus, the 40 dBA limit in the High Energy Law may not be applicable.

[3] Refer to footnote No. 2 above.
[4] Refer to footnote No. 1 above.

The time of year which the ambient sound evaluation took place is supportive of a highly accurate noise evaluation. Summer months often have higher levels of traffic and ambient noise due to cooling demand and nature sounds, but those conditions were not present. Although some air traffic was present during the measurements, it did not have an effect on the overall ambient sound levels over the course of 15-hour and 9-hour averaging periods. However, as the tourist season picks up in the summer months, ambient sound levels are expected to increase by a nominal amount.

The predicted operation of the Data Center at Niagara Digital Campus will not result in any perceptible increase in noise near the PUD Property, as it does not exceed ambient noise levels at the nearest zoning districts, including the Residential district.

Based on these results, no additional mitigation measures are recommended apart from those mitigation measures already included in the current design of the Data Center at Niagara Digital Campus as reflected in **Appendix A**.

6 Recommendations

The sound level at any receptor does not exceed the established Sound Level Limits as designed and reflected in **Appendix A** and utilizing the assumptions noted above. Thus, no additional mitigation is recommended apart from the measures already included in **Appendix A**.

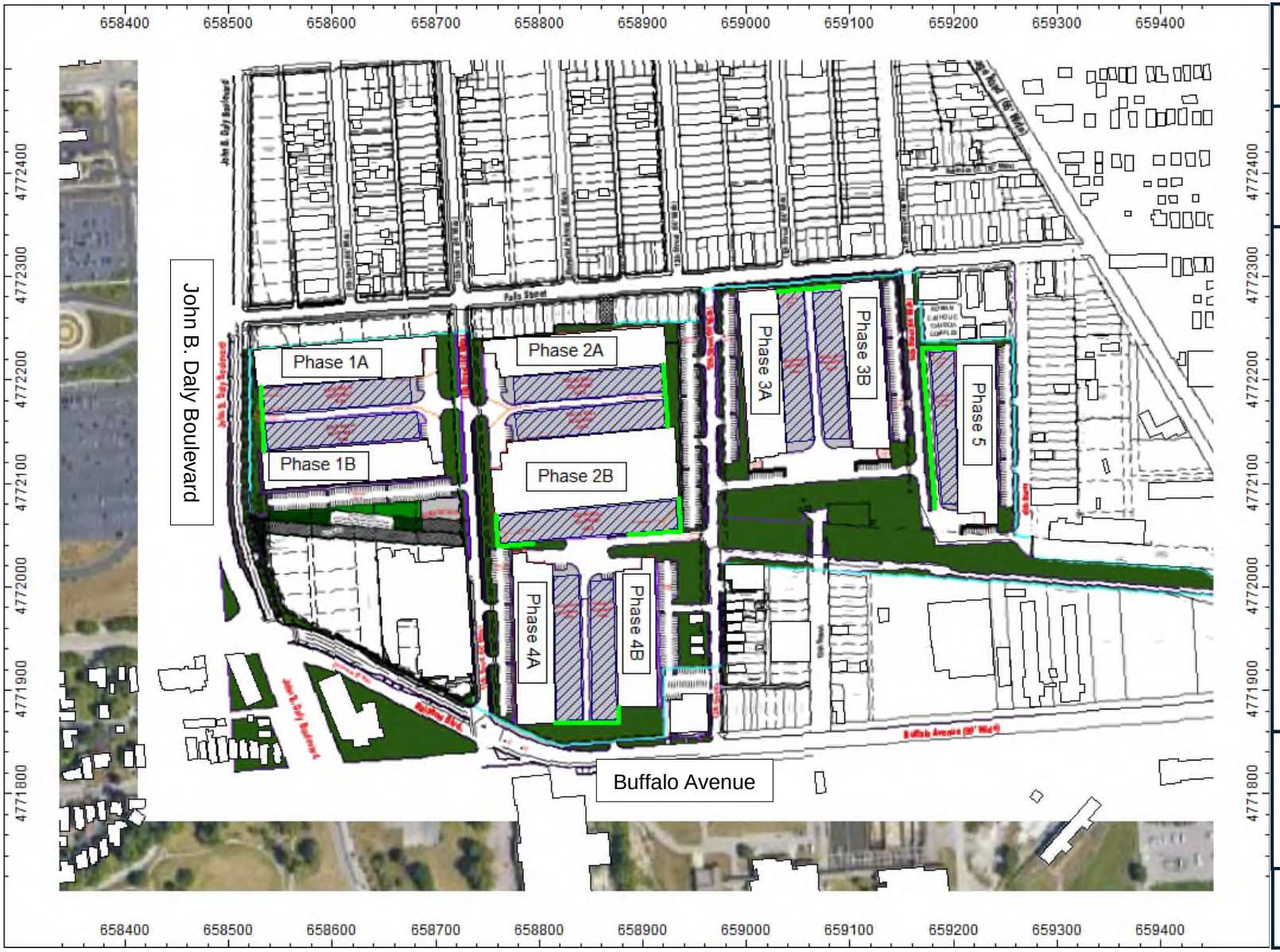
Should design refinements occur, or the project sponsor seeks to further decrease noise from the Data Center at Niagara Digital Campus, the following are recommended, in no particular order:

- **Modelling refinements** – the current sound levels are based on conservative assumptions, which should be refined through detailed noise measurements of the equipment and understanding of the operational parameters of the mechanical yards.
- **Administrative controls during nighttime hours** – consider operational schedule to allow dominant cooling equipment to be throttled during nighttime hours when cooling demands are lessened.
- **Mechanical equipment redesign** – Investigate alternative design to eliminate the pure tones noted at Urbacon's studied facilities.

7 Conclusions

Arcadis conducted a high-level quantitative noise assessment of the proposed Data Center at Niagara Digital Campus PUD. The Data Center's sound levels meet the Zoning Ordinance general criteria of 65 dBA as well as the site-applicable limits based on the existing ambient conditions. Noise compliance has been achieved with the Data Center at Niagara Digital Campus design, reflected in **Appendix A**.

Figures



Title:
Figure 2:
Noise Sources

Prepared for:

TRM Architect
Niagara Digital Campus

Modelling Features:

- Area Source
- Building
- Barrier

N

Project code:
30242207

Prepared by:
SG

Date:
April 2025

ARCADIS

Title:
Figure 3:
Sound Level Contours

Prepared for:

TRM Architect
Niagara Digital Campus

Sound levels:

- > 40.0 dB
- > 45.0 dB
- > 50.0 dB
- > 55.0 dB

Zoning:

- R3-C
- C1-A
- INS - Institutional
- D1-A
- D1-B
- D1-C
- D1-D

N

Project code:
30242207

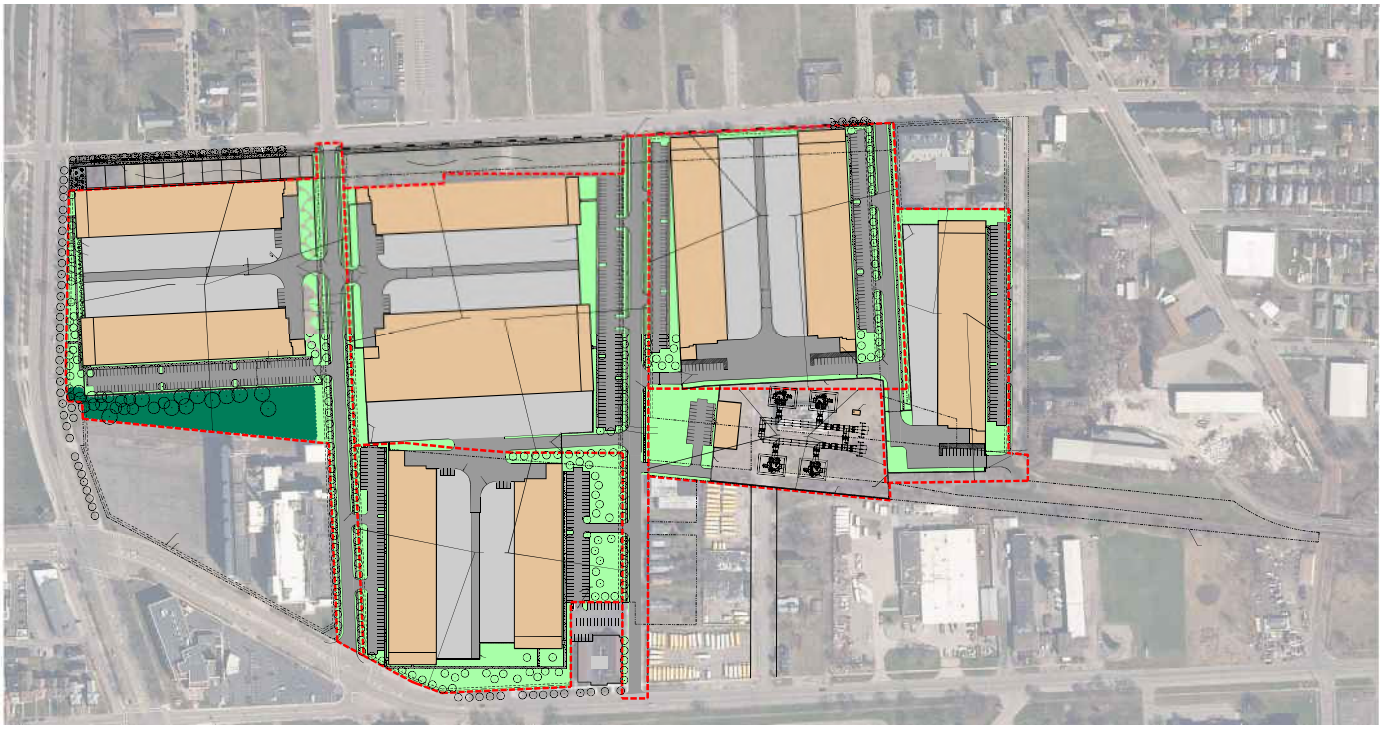
Prepared by:
SG

Date:
April 2025

ARCADIS

Appendix A

Site Plan



Niagara Falls Redevelopment, LLC

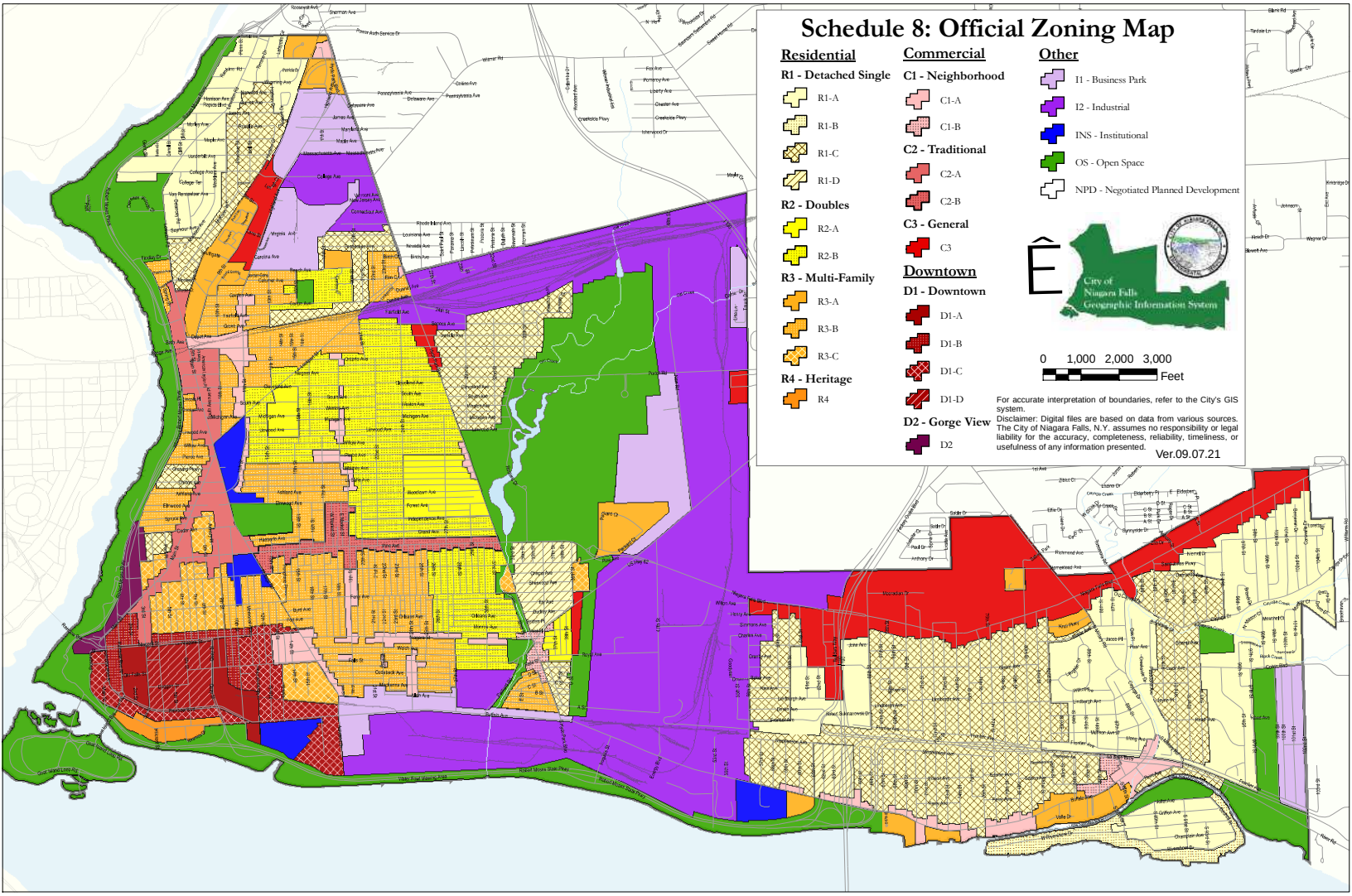
NIAGARA DIGITAL CAMPUS

NIAGARA FALLS, NEW YORK

tmm architect

Appendix B

Zoning


Schedule 8: Official Zoning Map
Residential
R1 - Detached Single
R1-A
R1-B
R1-C
R1-D
R2 - Doubles
R2-A
R2-B
R3 - Multi-Family
R3-A
R3-B
R3-C
R4 - Heritage
R4
Commercial
C1 - Neighborhood
C1-A
C1-B
C2 - Traditional
C2-A
C2-B
C3 - General
C3
Downtown
D1 - Downtown
D1-A
D1-B
D1-C
D1-D
D2 - Gorge View
D2
Other
I1 - Business Park
I2 - Industrial
INS - Institutional
OS - Open Space
NPD - Negotiated Planned Development
City of Niagara Falls Geographic Information System
0 1,000 2,000 3,000
Feet
For accurate interpretation of boundaries, refer to the City's GIS system.
Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented.
Ver.09.07.21

Appendix C

Calibration Certificates

INSTRUMENT CALIBRATION REPORT

Advanced Labs, Inc.

Pine Environmental Services, Inc

Instrument ID R146364
Description Quest QC-10 Acoustic Calibrator
Calibrated 10/23/2023

Manufacturer Quest
Model Number QC-10
Serial Number QIE010140
Location New Jersey
Temp 74

Classification
Status pass
Frequency Yearly
Department Lab
Humidity 28

Calibration Specifications

Group # 1
Group Name Acoustic Tests Performed
Test Performed: Yes **As Found Result: Pass** **As Left Result: Pass**

Test Instruments Used During the Calibration

Test Instrument ID	Description	Manufacturer	Serial Number	(As Of Cal Entry Date) Last Cal Date	Next Cal Date
B&K 4226	Brüel & Kjær 4226	Brüel & Kjær	2590968	8/24/2023	8/24/2024
B&K 4228	Brüel & Kjær 4228	Brüel & Kjær	2667476	8/24/2023	8/24/2024
SOUNDPRO DL-1-1/3	3M SoundPro DL-1-1/3	Quest Technologies	BLL070002	9/6/2023	9/6/2024

Notes about this calibration

Calibration Result Calibration Successful
Who Calibrated David Galego

Advanced Labs, Inc. hereby certifies that this instrument is calibrated and functions to meet the manufacture's specifications using NIST traceable standards, or is derived from accepted values of physical constants.

INSTRUMENT CALIBRATION REPORT

Advanced Labs, Inc.

Pine Environmental Services, Inc

Instrument ID 50250
Description CEL-63X Sound Level Meter
Calibrated 11/10/2023

Manufacturer Casella
Model Number CEL-63X
Serial Number 2382988
Location New Jersey
Temp 70

Classification
Status pass
Frequency Yearly
Department Lab
Humidity 28

Calibration Specifications

Group # 1
Group Name Acoustic Tests Performed
Test Performed: Yes **As Found Result: Pass** **As Left Result: Pass**

Test Instruments Used During the Calibration

				(As Of Cal Entry Date)	
Test Instrument ID	Description	Manufacturer	Serial Number	Last Cal Date	Next Cal Date
B&K 4226	Brüel & Kjær 4226	Brüel & Kjær	2590968	8/24/2023	8/24/2024
B&K 4228	Brüel & Kjær 4228	Brüel & Kjær	2667476	8/24/2023	8/24/2024

Notes about this calibration

Calibration Result Calibration Successful
Who Calibrated David Galego

Advanced Labs, Inc. hereby certifies that this instrument is calibrated and functions to meet the manufacture's specifications using NIST traceable standards, or is derived from accepted values of physical constants.

~ *Certificate of Calibration and Compliance* ~

Model :	377B02	**Manufacturer :**	PCB
Serial :	363455	**Description :**	1/2" Free-Field Microphone

Calibration Environmental Conditions

Environmental test conditions as printed on microphone calibration chart.

Reference Equipment

Manufacturer	Model #	Serial #	Control #	Cal Date	Due Date
National Instruments	PCIe-6351	01896F08	CA1918	10/17/2024	04/17/2026
Larson Davis	PRM915	0146	CA2115	07/11/2024	07/11/2025
Larson Davis	PRM902	4701	CA1450	07/11/2024	07/11/2025
Larson Davis	PRM916	0129	CA1084	08/16/2024	08/15/2025
Larson Davis	CAL250	4147	LD018	07/08/2024	07/08/2025
Larson Davis	2201	151	CA2073	09/05/2024	09/05/2025
Larson Davis	GPRM902	5337	CA2153	10/25/2024	10/24/2025
Larson Davis	PRM915	132	CA1552	09/11/2024	09/11/2025
Larson Davis	PRA951-4	0241	CA1449	08/17/2024	08/15/2025
Bruel & Kjaer	4192	3259548	CA3533	10/11/2024	10/10/2025
Newport	iTHX-SD/N	1080002	CA1511	02/07/2025	02/07/2026
PCB	68510-02	N/A	CA2672	02/06/2025	02/06/2026

Frequency sweep performed with B&K UA0033 electrostatic actuator.

Condition of Unit

As Found : n/a

As Left : New Unit, In Tolerance

Notes

1. Calibration of reference equipment is traceable to one or more of the following National Labs; NIST, PTB or DFM.
2. This certificate shall not be reproduced, except in full, without written approval from PCB Piezotronics, Inc.
3. Calibration is performed in compliance with ISO 10012-1, ANSI/NCSL Z540.3 and ISO 17025.
4. Measurement results relate only to the items tested. Refer to Manufacturer's Specification Sheet for performance details.
5. Open Circuit Sensitivity is measured using the voltage insertion method following procedure AT603-5.
6. Measurement uncertainty (95% confidence level with coverage factor of 2) for sensitivity is +/-0.20 dB.
7. Unit calibrated per ACS-20.
8. Where provided, statements of conformity are made in accordance with Simple Acceptance decision rule as defined in ILAC G8 with TUR of 4:1 or greater.

Technician: Leonard Lukasik Date: 02/27/2025

ilac-MRA ACCREDITED CALIBRATION CERT#: 1642.01

PCB PIEZOTRONICS
AN AMPHENOL COMPANY
3425 WALDEN AVENUE - DEPEW, NY 14043
TEL: +1 (888) 684-0013 - FAX: +1 (716) 685-3886 - www.pcb.com

~ *Calibration Report* ~

Model :	377B02	**Manufacturer :**	PCB
Serial :	363455	**Description :**	1/2" Free-Field Microphone

Calibration Data

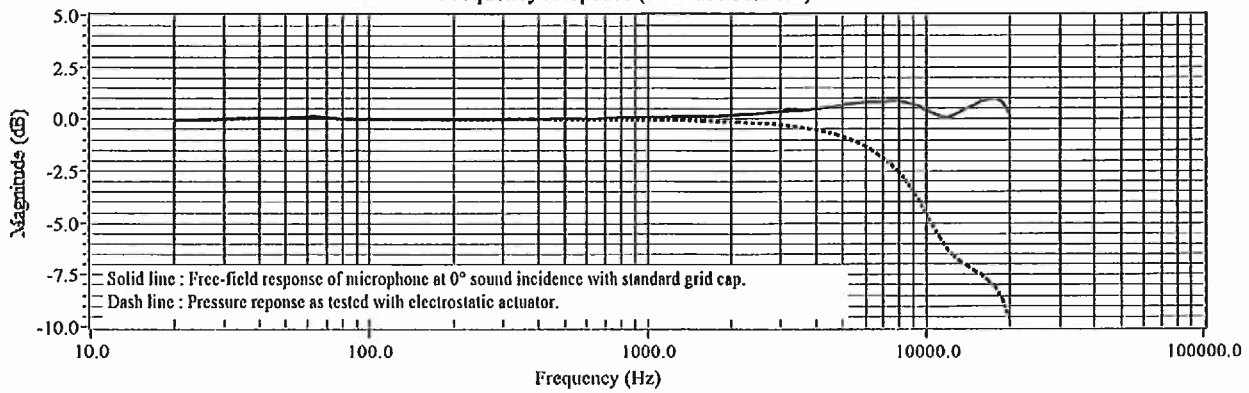
Open Circuit Sensitivity at 251.2 Hz : 48.97 mV/Pa
-26.20 dB re 1 V/Pa

Polarization Voltage, External : 0 V

Capacitance : 13.31 pF

Temperature: 68 °F (20 °C) **Ambient Pressure:** 978 mbar **Relative Humidity:** 38 %

Frequency Response (0 dB at 251.2 Hz)



Frequency (Hz)	Pressure (dB)	Free-Field (dB)	Frequency (Hz)	Pressure (dB)	Free-Field (dB)	Frequency (Hz)	Pressure (dB)	Free-Field (dB)
20.00	-0.05	-0.05	1584.90	-0.08	0.13	6683.40	-1.70	0.82
25.10	-0.02	-0.02	1678.80	-0.08	0.15	7079.50	-1.96	0.82
31.60	0.04	0.04	1778.30	-0.10	0.15	7498.90	-2.22	0.85
39.80	0.05	0.05	1883.60	-0.11	0.17	7943.30	-2.54	0.85
50.10	0.06	0.06	1995.30	-0.12	0.19	8414.00	-2.92	0.81
63.10	0.14	0.14	2113.50	-0.13	0.21	8912.50	-3.39	0.72
79.40	0.01	0.01	2238.70	-0.15	0.22	9440.60	-3.88	0.64
100.00	0.02	0.02	2371.40	-0.17	0.24	10000.00	-4.56	0.39
125.90	0.01	0.01	2511.90	-0.19	0.27	10592.50	-5.11	0.29
158.50	0.01	0.01	2660.70	-0.21	0.30	11220.20	-5.72	0.14
199.50	0.01	0.01	2818.40	-0.24	0.32	11885.00	-6.25	0.07
251.20	0.00	0.00	2985.40	-0.26	0.36	12589.30	-6.59	0.18
316.20	0.01	0.02	3162.30	-0.31	0.37	13335.20	-6.85	0.34
398.10	0.01	0.01	3349.70	-0.34	0.40	14125.40	-7.08	0.51
501.20	-0.01	0.03	3548.10	-0.41	0.41	14962.40	-7.31	0.66
631.00	-0.02	0.02	3758.40	-0.46	0.44	15848.90	-7.49	0.86
794.30	-0.02	0.07	3981.10	-0.51	0.49	16788.00	-7.80	0.92
1000.00	-0.04	0.08	4217.00	-0.58	0.53	17782.80	-8.12	0.99
1059.30	-0.04	0.09	4466.80	-0.66	0.57	18836.50	-8.71	0.80
1122.00	-0.05	0.09	4731.50	-0.75	0.62	19952.60	-9.63	0.30
1188.50	-0.05	0.10	5011.90	-0.86	0.67			
1258.90	-0.05	0.11	5308.80	-0.98	0.72			
1333.50	-0.05	0.13	5623.40	-1.13	0.75			
1412.50	-0.06	0.13	5956.60	-1.30	0.77			
1496.20	-0.07	0.13	6309.60	-1.48	0.81			

Technician: Leonard Lukasik Date: 02/27/2025

ilac-MRA ACCREDITED CALIBRATION CERT#: 1667.01

PCB PIEZOTRONICS
AN AMPHENOL COMPANY
3425 WALDEN AVENUE - DEPEW, NY 14043
TEL: +1 (888) 684-0013 - FAX: +1 (716) 685-3886 - www.pcb.com

ID: CAL:112-3823505026.004+0

Calibration Certificate

Certificate Number 2024014540

Customer:
The Modal Shop
10310 AeroHub Boulevard
Cincinnati,OH 45215 United States

Model Number	CAL200	***Procedure Number***	D0001.8386		
Serial Number	22953	***Technician***	Scott Montgomery		
Test Results	**Pass**	***Calibration Date***	2024-10-02		
Initial Condition	As Manufactured	***Calibration Due***			
		Temperature	24	°C	± 0.3 °C
Description	Larson Davis CAL200 Acoustic Calibrator	***Humidity***	31	%RH	± 3 %RH
		Static Pressure	101.3	kPa	± 1 kPa

Evaluation Method The data is aquired by the insert voltage calibration method using the reference microphone's open circuit sensitivity. Data reported in dB re 20 µPa.

Compliance Standards Compliant to Manufacturer Specifications per D0001.8190 and the following standards:
IEC 60942:2017 ANSI S1.40-2006

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). The results documented in this certificate relate only to the item(s) calibrated or tested. It has been calibrated using measurement standards traceable to the SI through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017.
Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

Standards Used

Description	Cal Date	Cal Due	Cal Standard
Agilent 34401A DMM	2024-06-20	2025-06-20	001021
Larson Davis Model 2900 Real Time Analyzer	2024-04-01	2025-04-01	001051
Microphone Calibration System	2024-02-22	2025-02-22	005446
1/2" Preamplifier	2024-08-15	2025-08-15	006506
Larson Davis 1/2" Preamplifier 7-pin LEMO	2024-07-26	2025-07-26	006507
1/2 inch Microphone - Random Incidence - 200V	2024-02-12	2025-02-12	006510
Pressure Sensor	2024-02-28	2025-02-28	007825

Output Level

Nominal Level [dB]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
94	101.3	94.01	93.80	94.20	0.15	Pass
114	101.1	114.01	113.80	114.20	0.14	Pass

-- End of measurement results--

Frequency

Nominal Level [dB]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
94	101.3	1,000.01	993.00	1,007.00	0.20	Pass
114	101.1	999.99	993.00	1,007.00	0.20	Pass

-- End of measurement results--

Total Harmonic Distortion + Noise (THD+N)

Nominal Level [dB]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
94	101.3	0.75	0.00	2.00	0.25 ‡	Pass
114	101.1	0.31	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Level Change Over Pressure

Tested at: 114 dB, 22 °C, 36 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
108.0	108.0	-0.04	-0.25	0.25	0.04 ‡	Pass
101.3	101.3	0.00	-0.25	0.25	0.04 ‡	Pass
92.0	92.0	0.04	-0.25	0.25	0.04 ‡	Pass
83.0	83.0	0.04	-0.25	0.25	0.04 ‡	Pass
74.0	73.9	-0.01	-0.25	0.25	0.04 ‡	Pass
65.0	65.1	-0.13	-0.25	0.25	0.04 ‡	Pass

-- End of measurement results--

Frequency Change Over Pressure

Tested at: 114 dB, 22 °C, 36 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [Hz]	Lower limit [Hz]	Upper limit [Hz]	Expanded Uncertainty [Hz]	Result
108.0	108.0	0.01	-7.00	7.00	0.20 ‡	Pass
101.3	101.3	0.00	-7.00	7.00	0.20 ‡	Pass
92.0	92.0	0.00	-7.00	7.00	0.20 ‡	Pass
83.0	83.0	-0.01	-7.00	7.00	0.20 ‡	Pass
74.0	73.9	0.00	-7.00	7.00	0.20 ‡	Pass
65.0	65.1	-0.01	-7.00	7.00	0.20 ‡	Pass

-- End of measurement results--

Certificate Number 2024014540

Total Harmonic Distortion + Noise (THD+N) Over Pressure

Tested at: 114 dB, 22 °C, 36 %RH

Nominal Pressure [kPa]	Pressure [kPa]	Test Result [%]	Lower limit [%]	Upper limit [%]	Expanded Uncertainty [%]	Result
108.0	108.0	0.31	0.00	2.00	0.25 ‡	Pass
101.3	101.3	0.31	0.00	2.00	0.25 ‡	Pass
92.0	92.0	0.29	0.00	2.00	0.25 ‡	Pass
83.0	83.0	0.28	0.00	2.00	0.25 ‡	Pass
74.0	73.9	0.28	0.00	2.00	0.25 ‡	Pass
65.0	65.1	0.27	0.00	2.00	0.25 ‡	Pass

-- End of measurement results--

Signatory: Scott Montgomery

LARSON DAVIS – A PCB DIVISION
1681 West 820 North
Provo,UT 84601 United States
716-684-0001

ACCREDITED CERT # 3622.01

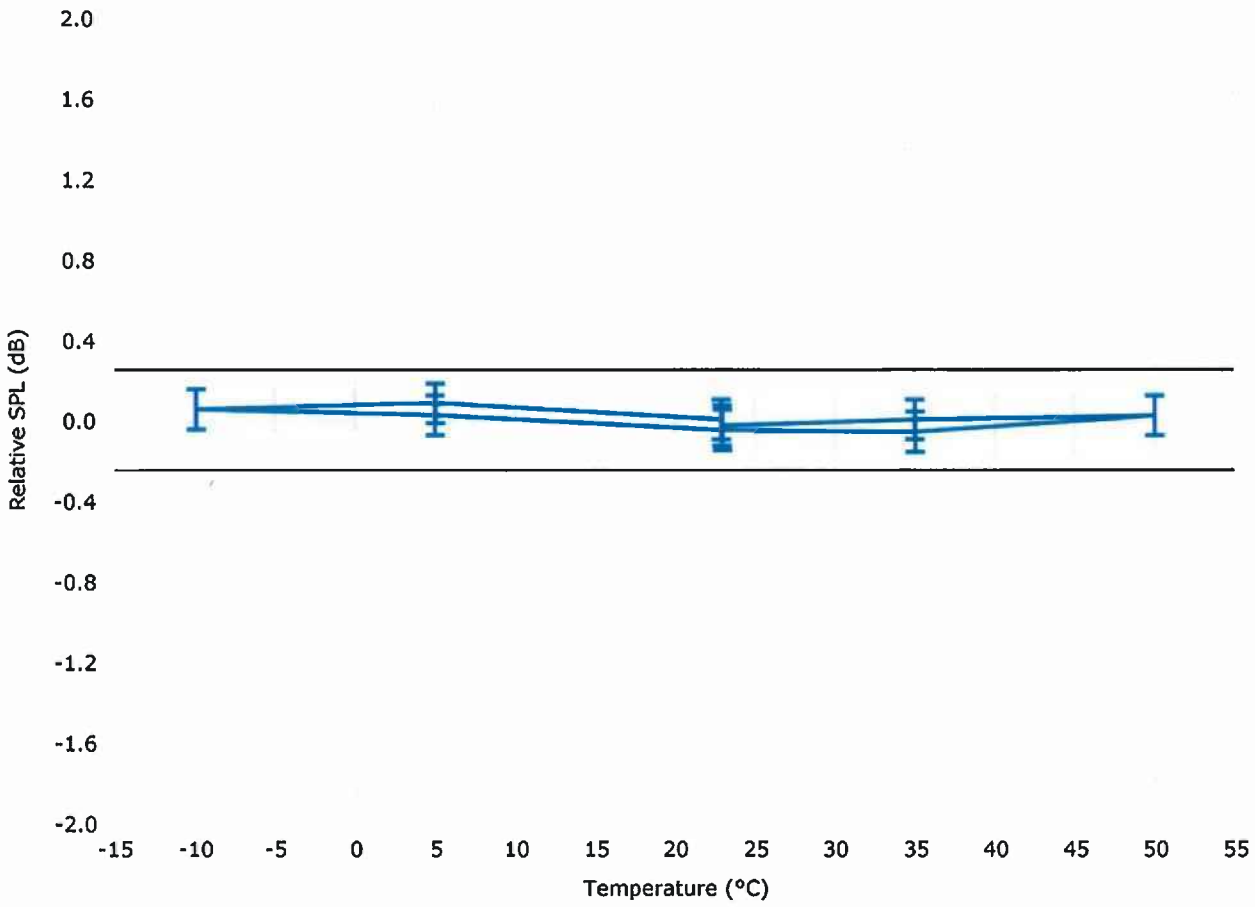
LARSON DAVIS
A PCB DIVISION

Model CAL200 Relative SPL vs. Temperature

Larson Davis Model CAL200 Serial Number: 22953

Model CAL200 Relative SPL vs. Temperature at 50% RH.
A 2559 Mic (SN: 2893) with a PRM901 Preamp (SN: 0160), station 5 was used to check the levels.

Test Date: 24 Jul 2024 1:57:05 PM



0.1dB expanded uncertainty at ~95% confidence level (k=2)

Sequence File: CAL200.SEQ

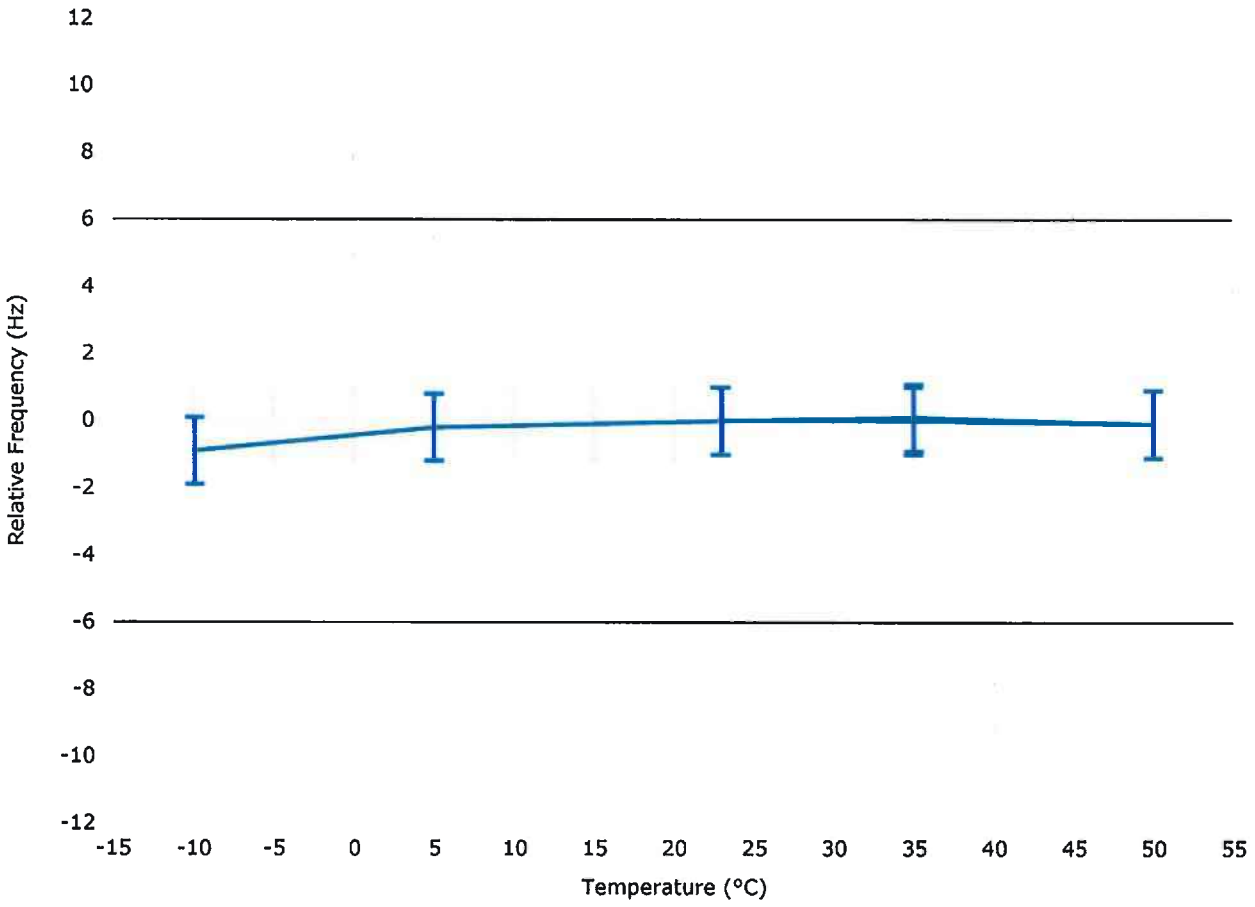
Test Location: Larson Davis – A PCB Division
1681 West 820 North, Provo, Utah 84601
Tel: 716 684-0001 www.LarsonDavis.com

Model CAL200 Relative Frequency vs. Temperature

Larson Davis Model CAL200 Serial Number: 22953

Model CAL200 Relative Frequency vs. Temperature at 50% RH.
A 2559 Mic (SN: 2893) with a PRM901 Preamp (SN: 0160), station 5 was used to check the levels.

Test Date: 24 Jul 2024 1:57:05 PM



1.0 Hz expanded uncertainty at ~95% confidence level (k=2)

Sequence File: CAL200.SEQ

Test Location: Larson Davis – A PCB Division
1681 West 820 North, Provo, Utah 84601
Tel: 716 684-0001 www.LarsonDavis.com

Calibration Certificate

Certificate Number 2024011114
Customer:
The Modal Shop
10310 AeroHub Boulevard
Cincinnati, OH 45215 United States

Model Number	SoundExpert 821		***Procedure Number***	D0001.8465	
Serial Number	40352		***Technician***	Jacob Cannon	
Test Results	**Pass**		***Calibration Date***	2024-07-31	
Initial Condition	As Manufactured		***Calibration Due***		
			Temperature	23.83 °C	± 0.25 °C
Description	SoundExpert 821		***Humidity***	53.3 %RH	± 2.0 %RH
	Class 1 Sound Level Meter		***Static Pressure***	86.48 kPa	± 0.13 kPa
	Firmware Revision: 1.300R17				

Evaluation Method Tested electrically using Larson Davis PRM821 S/N 001754 and a 12.0 pF capacitor to simulate microphone capacitance. Data reported in dB re 20 µPa assuming a microphone sensitivity of 50.0 mV/Pa.

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8468:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61252:2002	ANSI S1.25 (R2007)
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

Issuing lab certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). The results documented in this certificate relate only to the item(s) calibrated or tested. It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes, and meets the requirements of ISO/IEC 17025:2017. **Test points marked with a ‡ in the uncertainties column do not fall within this laboratory's scope of accreditation.**

The quality system is registered to ISO 9001:2015.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances would be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

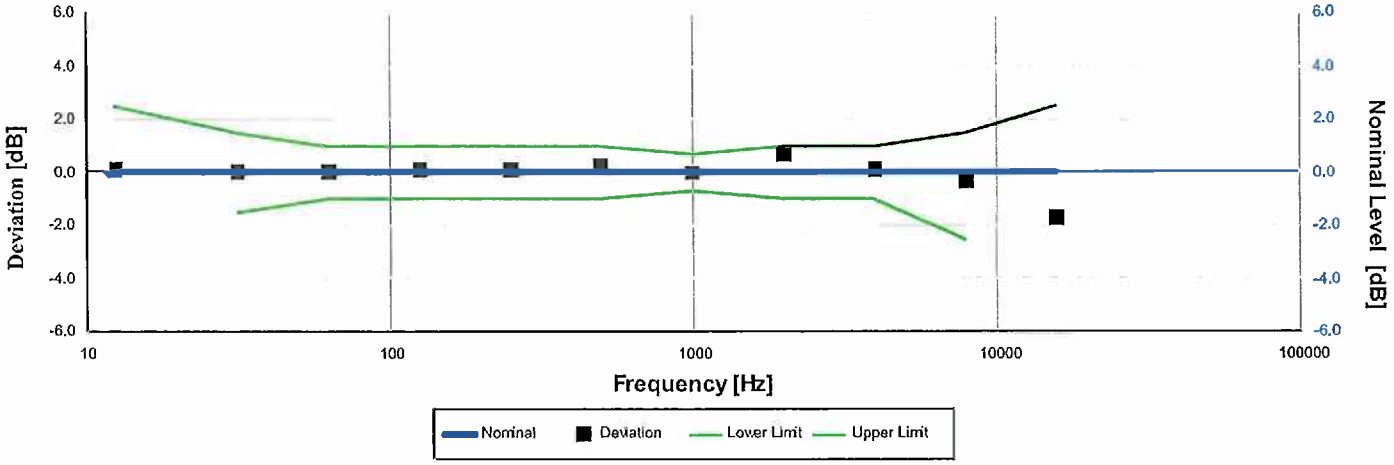
Correction data from Larson Davis SoundExpert 721/821 Manual, I821.01 Rev B

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa

Standards Used

Description	Cal Date	Cal Due	Cal Standard
Hart Scientific 2626-S Humidity/Temperature Sensor	2023-02-20	2024-08-20	006946
SRS DS360 Ultra Low Distortion Generator	2024-03-26	2025-03-26	007635

Z-weight Filter Response

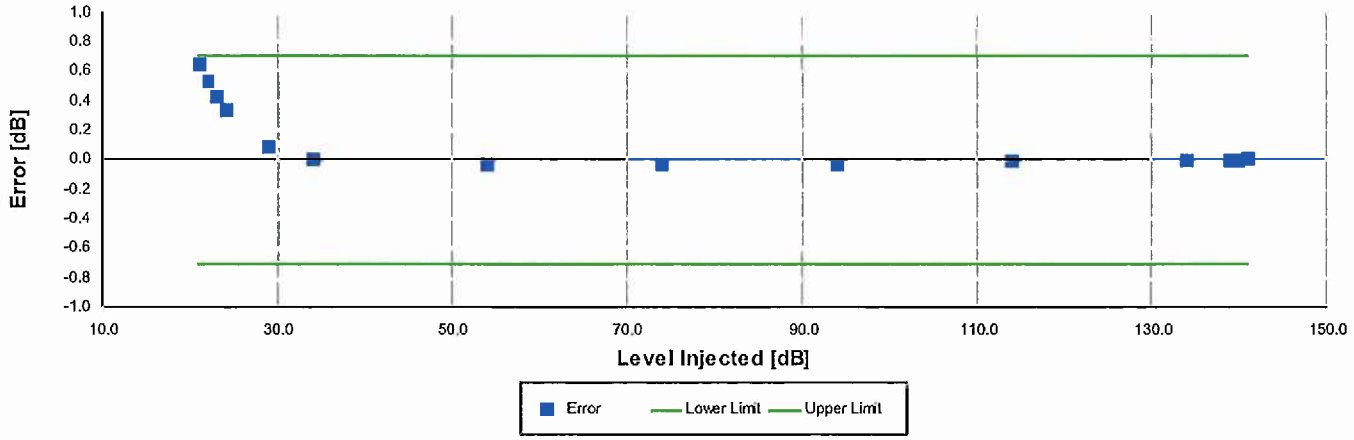


Test performed with FF:FF microphone correction filter enabled. Electrical signal test of frequency weighting performed according to IEC 61672-3:2013 13 and ANSI S1.4-2014 Part 3: 13 for compliance to IEC 61672-1:2013 5.5; IEC 60651:2001 6.1 and 9.2.2; IEC 60804:2000 5; ANSI S1.4:1983 (R2006) 5.1 and 8.2.1; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Deviation [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
12.59	0.13	0.13	-inf	2.50	0.15	Pass
31.62	0.04	0.04	-1.50	1.50	0.15	Pass
63.10	0.05	0.05	-1.00	1.00	0.15	Pass
125.89	0.09	0.09	-1.00	1.00	0.15	Pass
251.19	0.10	0.10	-1.00	1.00	0.15	Pass
501.19	0.29	0.29	-1.00	1.00	0.15	Pass
1,000.00	0.00	0.00	-0.70	0.70	0.15	Pass
1,995.26	0.66	0.66	-1.00	1.00	0.15	Pass
3,981.07	0.08	0.08	-1.00	1.00	0.15	Pass
7,943.28	-0.32	-0.32	-2.50	1.50	0.15	Pass
15,848.93	-1.71	-1.71	-16.00	2.50	0.15	Pass

-- End of measurement results--

A-weighted Broadband Log Linearity: 8,000.00 Hz



Broadband level linearity performed according to IEC 61672-3:2013 16 and ANSI S1.4-2014 Part 3: 16 for compliance to IEC 61672-1:2013 5.6, IEC 60804:2000 6.2, IEC 61252:2002 8, ANSI S1.4 (R2006) 6.9, ANSI S1.4-2014 Part 1: 5.6, ANSI S1.43 (R2007) 6.2

Level [dB]	Error [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
21.00	0.65	-0.70	0.70	0.16	Pass
22.00	0.53	-0.70	0.70	0.16	Pass
23.00	0.43	-0.70	0.70	0.16	Pass
24.00	0.34	-0.70	0.70	0.16	Pass
29.00	0.09	-0.70	0.70	0.16	Pass
34.00	0.01	-0.70	0.70	0.16	Pass
54.00	-0.02	-0.70	0.70	0.16	Pass
74.00	-0.02	-0.70	0.70	0.16	Pass
94.00	-0.03	-0.70	0.70	0.16	Pass
114.00	0.00	-0.70	0.70	0.15	Pass
134.00	0.00	-0.70	0.70	0.15	Pass
139.00	0.00	-0.70	0.70	0.15	Pass
140.00	-0.01	-0.70	0.70	0.15	Pass
141.00	0.02	-0.70	0.70	0.15	Pass

-- End of measurement results--

Overload Detector

Overload indication performed according to IEC 61672-3:2013 20 and ANSI S1.4-2014 Part 3: 20 for compliance to IEC 61672-1:2013 5.11, IEC 60804:2000 9.3.5, IEC 61252:2002 11, ANSI S1.4 (R2006) 5.8, and ANSI S1.4-2014 Part 1: 5.11, ANSI S1.25 (R2007) 7.6, ANSI S1.43 (R2007) 7

Measurement	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
Positive	142.01	140.50	142.50	0.15	Pass
Negative	141.91	140.50	142.50	0.15	Pass
Comparison	0.10	-1.50	1.50	0.15	Pass

-- End of measurement results--

Range

Measured in A-weight at 8000 Hz for compliance to IEC 61672-1:2013 5.6.4, IEC 60804:2000 6.2, IEC 61252:2002 8, ANSI S1.4 (R2006) 6.9, ANSI S1.4-2014 Part 1: 5.6.4, ANSI S1.43 (R2007) 6.2

Measurement	Measured Level [dB]	Lower limit [dB]	Expanded Uncertainty [dB]	Result
Primary Indicator Range	123.00	106.00	0.15	Pass
Dynamic Range	129.95	118.00	0.15	Pass

-- End of measurement results--

Gain

Gain measured according to IEC 61672-3:2013 17.3 and 17.4 and ANSI S1.4-2014 Part 3: 17.3 and 17.4

Measurement	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
0 dB Gain	93.90	93.20	94.80	0.15	Pass
0 dB Gain, Linearity	27.07	26.20	27.60	0.16	Pass

-- End of measurement results--

Broadband Noise Floor

Self-generated noise measured according to IEC 61672-3:2013 11.2 and ANSI S1.4-2014 Part 3: 11.2

Measurement	Test Result [dB]	Upper limit [dB]	Result
A-weight Noise Floor	12.05	14.50	Pass
Z-weight Noise Floor	23.29	25.00	Pass

-- End of measurement results--

Total Harmonic Distortion

Measured using 1/3-Octave filters

Measurement	Test Result [dB]	Lower Limit [dB]	Upper Limit [dB]	Expanded Uncertainty [dB]	Result
20 Hz Signal	137.92	137.20	138.80	0.15	Pass
THD	-75.29		-60.00	0.01 ‡	Pass
THD+N	-64.79		-60.00	0.01 ‡	Pass

-- End of measurement results--

-- End of Report--

Signatory: Jacob Cannon

LARSON DAVIS – A PCB DIVISION
1681 West 820 North
Provo, UT 84601 United States
716-684-0001

ACCREDITED CERT #3622.01

LARSON DAVIS A PCB DIVISION

Calibration Certificate

Certificate Number 2025004616

Customer:

The Modal Shop
10310 AeroHub Boulevard
Cincinnati, OH 45215 United States

Model Number	SoundExpert 821		***Procedure Number***	D0001.8465	
Serial Number	40348		***Technician***	Tina Brezinski	
Test Results	**Pass**		***Calibration Date***	2025-03-27	
Initial Condition	Found / Left		***Calibration Due***		
			Temperature	21.7 °C	± 0.25 °C
Description	SoundExpert 821 Class 1 Sound Level Meter Firmware Revision: 1.400R52		***Humidity***	24.7 %RH	± 2.0 %RH
			Static Pressure	100.49 kPa	± 0.13 kPa

Evaluation Method Tested electrically using Larson Davis PRM821 S/N 001077 and a 12.0 pF capacitor to simulate microphone capacitance. Data reported in dB re 20 µPa assuming a microphone sensitivity of 50.0 mV/Pa.

Compliance Standards Compliant to Manufacturer Specifications and the following standards when combined with Calibration Certificate from procedure D0001.8468:

IEC 60651:2001 Type 1	ANSI S1.4-2014 Class 1
IEC 60804:2000 Type 1	ANSI S1.4 (R2006) Type 1
IEC 61252:2002	ANSI S1.25 (R2007)
IEC 61672:2013 Class 1	ANSI S1.43 (R2007) Type 1

The Modal Shop certifies that the instrument described above meets or exceeds all specifications as stated in the referenced procedure (unless otherwise noted). The results documented in this certificate relate only to the item(s) calibrated or tested. It has been calibrated using measurement standards traceable to the International System of Units (SI) through the National Institute of Standards and Technology (NIST), or other national measurement institutes.

This calibration is a direct comparison of the unit under test to the listed reference standards and did not involve any sampling plans to complete. No allowance has been made for the instability of the test device due to use, time, etc. Such allowances will be made by the customer as needed.

The uncertainties were computed in accordance with the ISO Guide to the Expression of Uncertainty in Measurement (GUM). A coverage factor of approximately 2 sigma (k=2) has been applied to the standard uncertainty to express the expanded uncertainty at approximately 95% confidence level.

Correction data from Larson Davis SoundExpert 721/821 Manual, I821.01 Rev B

Calibration Check Frequency: 1000 Hz; Reference Sound Pressure Level: 114 dB re 20 µPa

Periodic tests were performed in accordance with procedures from IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part3.

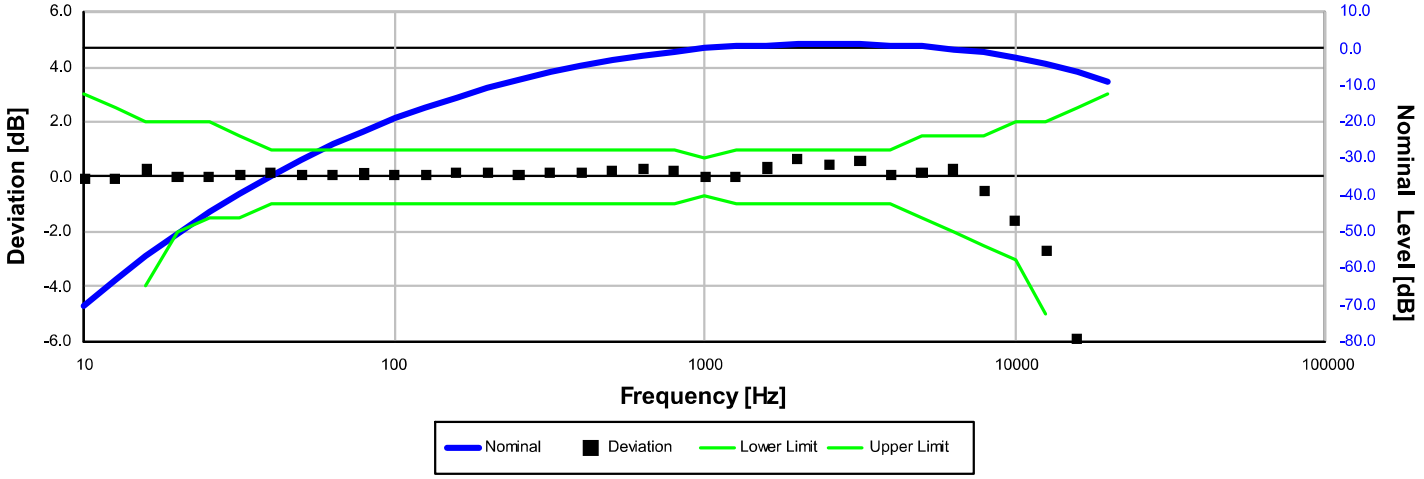
No Pattern approval for IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 available.

The sound level meter submitted for testing successfully completed the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3, for the environmental conditions under which the tests were performed. However, no general statement or conclusion can be made about conformance of the sound level meter to the full specifications of IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 because (a) evidence was not publicly available, from an independent testing organization responsible for pattern approvals, to demonstrate that the model of sound level meter fully conformed to the class 1 specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1 or correction data for acoustical test of frequency weighting were not provided in the Instruction Manual and (b) because the periodic tests of IEC 61672-3:2013 / ANSI/ASA S1.4-2014/Part 3 cover only a limited subset of the specifications in IEC 61672-1:2013 / ANSI/ASA S1.4-2014/Part 1.

Standards Used

Description	Cal Date	Cal Due	Cal Standard
SRS DS360 Ultra Low Distortion Generator	2024-04-25	2025-04-25	TMS123270

A-weight Filter Response



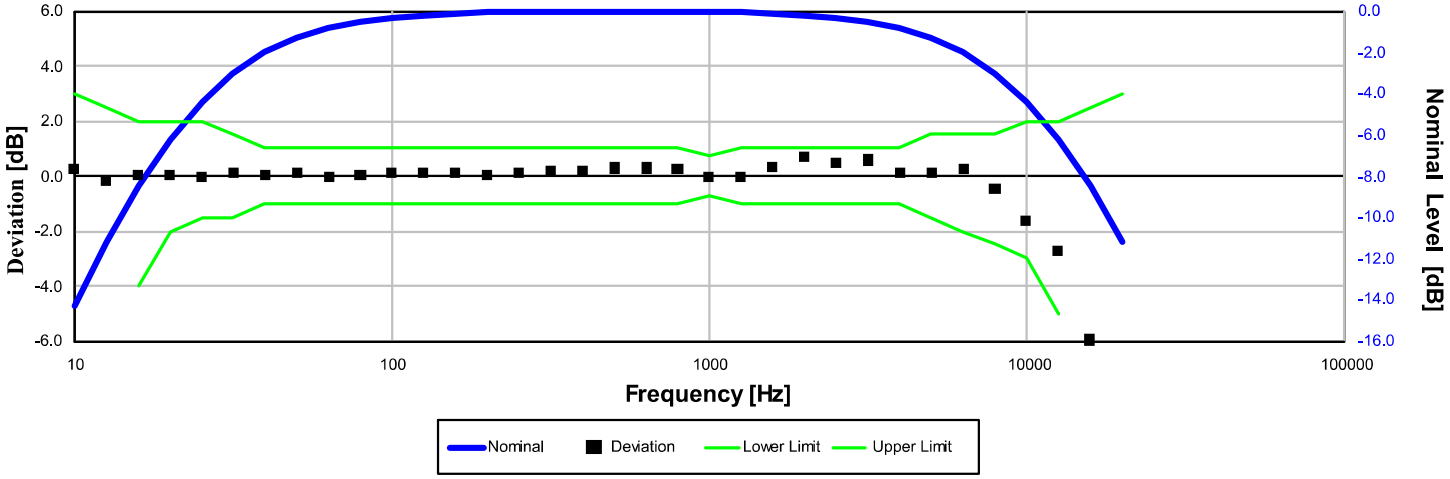
Test performed with FF:FF microphone correction filter enabled. Electrical signal test of frequency weighting performed according to IEC 61672-3:2013 13 and ANSI S1.4-2014 Part 3: 13 for compliance to IEC 61672-1:2013 5.5; IEC 60651:2001 6.1 and 9.2.2; IEC 60804:2000 5; ANSI S1.4:1983 (R2006) 5.1 and 8.2.1; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Deviation [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
10.00	-70.46	-0.06	-inf	3.00	0.15	Pass
12.59	-63.47	-0.07	-inf	2.50	0.15	Pass
15.85	-56.45	0.25	-4.00	2.00	0.15	Pass
19.95	-50.51	-0.01	-2.00	2.00	0.15	Pass
25.12	-44.72	-0.02	-1.50	2.00	0.15	Pass
31.62	-39.31	0.09	-1.50	1.50	0.15	Pass
39.81	-34.46	0.14	-1.00	1.00	0.15	Pass
50.12	-30.13	0.07	-1.00	1.00	0.15	Pass
63.10	-26.10	0.10	-1.00	1.00	0.29	Pass
79.43	-22.39	0.11	-1.00	1.00	0.29	Pass
100.00	-19.05	0.05	-1.00	1.00	0.29	Pass
125.89	-16.02	0.08	-1.00	1.00	0.29	Pass
158.49	-13.24	0.16	-1.00	1.00	0.29	Pass
199.53	-10.78	0.12	-1.00	1.00	0.29	Pass
251.19	-8.54	0.06	-1.00	1.00	0.29	Pass
316.23	-6.47	0.13	-1.00	1.00	0.29	Pass
398.11	-4.66	0.14	-1.00	1.00	0.29	Pass
501.19	-2.96	0.24	-1.00	1.00	0.29	Pass
630.96	-1.63	0.27	-1.00	1.00	0.29	Pass
794.33	-0.59	0.21	-1.00	1.00	0.29	Pass
1,000.00	0.00	0.00	-0.70	0.70	0.29	Pass
1,258.93	0.62	0.02	-1.00	1.00	0.29	Pass
1,584.89	1.33	0.33	-1.00	1.00	0.29	Pass
1,995.26	1.88	0.68	-1.00	1.00	0.29	Pass
2,511.89	1.74	0.44	-1.00	1.00	0.38	Pass
3,162.28	1.80	0.60	-1.00	1.00	0.38	Pass
3,981.07	1.08	0.08	-1.00	1.00	0.38	Pass
5,011.87	0.65	0.15	-1.50	1.50	0.47	Pass
6,309.57	0.15	0.25	-2.00	1.50	0.47	Pass
7,943.28	-1.59	-0.49	-2.50	1.50	0.47	Pass
10,000.00	-4.11	-1.61	-3.00	2.00	0.57	Pass
12,589.25	-7.01	-2.71	-5.00	2.00	0.57	Pass
15,848.93	-12.53	-5.93	-16.00	2.50	1.00	Pass
19,952.62	-24.13	-14.83	-inf	3.00	1.00	Pass

-- End of measurement results--

The Modal Shop
10310 AeroHub Boulevard
Cincinnati, OH 45215 United States

C-weight Filter Response

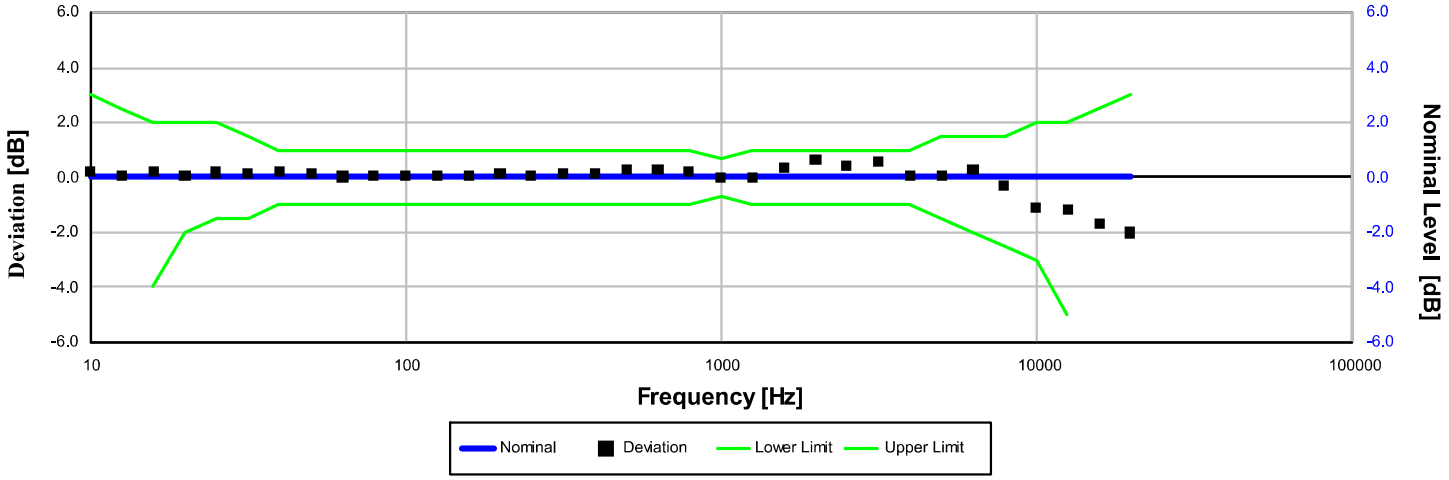


Test performed with FF:FF microphone correction filter enabled. Electrical signal test of frequency weighting performed according to IEC 61672-3:2013 13 and ANSI S1.4-2014 Part 3: 13 for compliance to IEC 61672-1:2013 5.5; IEC 60651:2001 6.1 and 9.2.2; IEC 60804:2000 5; ANSI S1.4:1983 (R2006) 5.1 and 8.2.1; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Deviation [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
10.00	-14.06	0.24	-inf	3.00	0.15	Pass
12.59	-11.35	-0.15	-inf	2.50	0.15	Pass
15.85	-8.43	0.07	-4.00	2.00	0.15	Pass
19.95	-6.14	0.06	-2.00	2.00	0.15	Pass
25.12	-4.42	-0.02	-1.50	2.00	0.15	Pass
31.62	-2.86	0.14	-1.50	1.50	0.15	Pass
39.81	-1.93	0.07	-1.00	1.00	0.15	Pass
50.12	-1.18	0.12	-1.00	1.00	0.15	Pass
63.10	-0.80	0.00	-1.00	1.00	0.29	Pass
79.43	-0.44	0.06	-1.00	1.00	0.29	Pass
100.00	-0.21	0.09	-1.00	1.00	0.29	Pass
125.89	-0.08	0.12	-1.00	1.00	0.29	Pass
158.49	0.00	0.10	-1.00	1.00	0.29	Pass
199.53	0.06	0.06	-1.00	1.00	0.29	Pass
251.19	0.09	0.09	-1.00	1.00	0.29	Pass
316.23	0.17	0.17	-1.00	1.00	0.29	Pass
398.11	0.17	0.17	-1.00	1.00	0.29	Pass
501.19	0.30	0.30	-1.00	1.00	0.29	Pass
630.96	0.30	0.30	-1.00	1.00	0.29	Pass
794.33	0.25	0.25	-1.00	1.00	0.29	Pass
1,000.00	0.00	0.00	-0.70	0.70	0.29	Pass
1,258.93	-0.01	-0.01	-1.00	1.00	0.29	Pass
1,584.89	0.26	0.36	-1.00	1.00	0.29	Pass
1,995.26	0.52	0.72	-1.00	1.00	0.29	Pass
2,511.89	0.17	0.47	-1.00	1.00	0.38	Pass
3,162.28	0.09	0.59	-1.00	1.00	0.38	Pass
3,981.07	-0.71	0.09	-1.00	1.00	0.38	Pass
5,011.87	-1.18	0.12	-1.50	1.50	0.47	Pass
6,309.57	-1.72	0.28	-2.00	1.50	0.47	Pass
7,943.28	-3.48	-0.48	-2.50	1.50	0.47	Pass
10,000.00	-6.02	-1.62	-3.00	2.00	0.57	Pass
12,589.25	-8.93	-2.73	-5.00	2.00	0.57	Pass
15,848.93	-14.46	-5.96	-16.00	2.50	1.00	Pass
19,952.62	-26.06	-14.86	-inf	3.00	1.00	Pass

-- End of measurement results--

Z-weight Filter Response



Test performed with FF:FF microphone correction filter enabled. Electrical signal test of frequency weighting performed according to IEC 61672-3:2013 13 and ANSI S1.4-2014 Part 3: 13 for compliance to IEC 61672-1:2013 5.5; IEC 60651:2001 6.1 and 9.2.2; IEC 60804:2000 5; ANSI S1.4:1983 (R2006) 5.1 and 8.2.1; ANSI S1.4-2014 Part 1: 5.5

Frequency [Hz]	Test Result [dB]	Deviation [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
10.00	0.21	0.21	-inf	3.00	0.15	Pass
12.59	0.08	0.08	-inf	2.50	0.15	Pass
15.85	0.22	0.22	-4.00	2.00	0.15	Pass
19.95	0.05	0.05	-2.00	2.00	0.15	Pass
25.12	0.18	0.18	-1.50	2.00	0.15	Pass
31.62	0.15	0.15	-1.50	1.50	0.15	Pass
39.81	0.20	0.20	-1.00	1.00	0.15	Pass
50.12	0.13	0.13	-1.00	1.00	0.15	Pass
63.10	0.04	0.04	-1.00	1.00	0.29	Pass
79.43	0.07	0.07	-1.00	1.00	0.29	Pass
100.00	0.10	0.10	-1.00	1.00	0.29	Pass
125.89	0.05	0.05	-1.00	1.00	0.29	Pass
158.49	0.08	0.08	-1.00	1.00	0.29	Pass
199.53	0.11	0.11	-1.00	1.00	0.29	Pass
251.19	0.09	0.09	-1.00	1.00	0.29	Pass
316.23	0.15	0.15	-1.00	1.00	0.29	Pass
398.11	0.15	0.15	-1.00	1.00	0.29	Pass
501.19	0.27	0.27	-1.00	1.00	0.29	Pass
630.96	0.26	0.26	-1.00	1.00	0.29	Pass
794.33	0.23	0.23	-1.00	1.00	0.29	Pass
1,000.00	0.00	0.00	-0.70	0.70	0.29	Pass
1,258.93	0.02	0.02	-1.00	1.00	0.29	Pass
1,584.89	0.34	0.34	-1.00	1.00	0.29	Pass
1,995.26	0.68	0.68	-1.00	1.00	0.29	Pass
2,511.89	0.46	0.46	-1.00	1.00	0.38	Pass
3,162.28	0.58	0.58	-1.00	1.00	0.38	Pass
3,981.07	0.08	0.08	-1.00	1.00	0.38	Pass
5,011.87	0.10	0.10	-1.50	1.50	0.47	Pass
6,309.57	0.30	0.30	-2.00	1.50	0.47	Pass
7,943.28	-0.31	-0.31	-2.50	1.50	0.47	Pass
10,000.00	-1.07	-1.07	-3.00	2.00	0.57	Pass
12,589.25	-1.14	-1.14	-5.00	2.00	0.57	Pass
15,848.93	-1.69	-1.69	-16.00	2.50	1.00	Pass
19,952.62	-2.01	-2.01	-inf	3.00	1.00	Pass

-- End of measurement results--

High Level Stability

Electrical signal test of high level stability performed according to IEC 61672-3:2013 21 and ANSI S1.4-2014 Part 3: 21 for compliance to IEC 61672-1:2013 5.15 and ANSI S1.4-2014 Part 1: 5.15

Measurement	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
High Level Stability	0.01	-0.10	0.10	0.01	Pass

-- End of measurement results--

Long-Term Stability

Electrical signal test of long term stability performed according to IEC 61672-3:2013 15 and ANSI S1.4-2014 Part 3: 15 for compliance to ISC 61672-1:2013 5.14 and ANSI S1.4-2014 Part 1: 5.14

Test Duration [min]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
26	0.00	-0.10	0.10	0.01	Pass

-- End of measurement results--

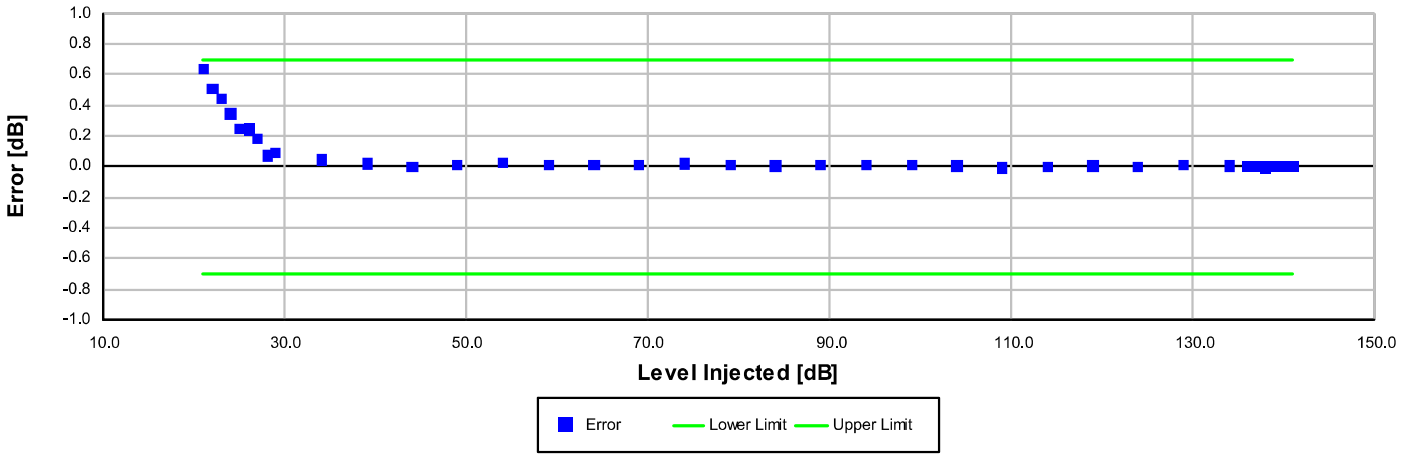
1 kHz Reference Levels

Frequency weightings and time weightings at 1 kHz (reference is A weighted Fast) performed according to IEC 61672-3:2013 14 and ANSI S1.4-2014 Part 3: 14 for compliance to IEC 61672-1:2013 5.5.9 and 5.8.3 and ANSI S1.4-2014 Part 1: 5.5.9 and 5.8.3

Measurement	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
peak C weight	0.01	-0.20	0.20	0.15	Pass
peak Z weight	0.01	-0.20	0.20	0.15	Pass
C weight	0.01	-0.20	0.20	0.15	Pass
Z weight	0.01	-0.20	0.20	0.15	Pass
Slow	0.01	-0.10	0.10	0.15	Pass
Impulse	0.01	-0.10	0.10	0.15	Pass

-- End of measurement results--

A-weighted Broadband Log Linearity: 8,000.00 Hz



Broadband level linearity performed according to IEC 61672-3:2013 16 and ANSI S1.4-2014 Part 3: 16 for compliance to IEC 61672-1:2013 5.6, IEC 60804:2000 6.2, IEC 61252:2002 8, ANSI S1.4 (R2006) 6.9, ANSI S1.4-2014 Part 1: 5.6, ANSI S1.43 (R2007) 6.2

Level [dB]	Error [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
21.00	0.64	-0.70	0.70	0.16	Pass
22.00	0.51	-0.70	0.70	0.16	Pass
23.00	0.44	-0.70	0.70	0.16	Pass
24.00	0.34	-0.70	0.70	0.16	Pass
25.00	0.25	-0.70	0.70	0.16	Pass
26.00	0.24	-0.70	0.70	0.16	Pass
27.00	0.18	-0.70	0.70	0.16	Pass
28.00	0.07	-0.70	0.70	0.16	Pass
29.00	0.09	-0.70	0.70	0.16	Pass
34.00	0.04	-0.70	0.70	0.16	Pass
39.00	0.02	-0.70	0.70	0.16	Pass
44.00	0.00	-0.70	0.70	0.16	Pass
49.00	0.01	-0.70	0.70	0.16	Pass
54.00	0.02	-0.70	0.70	0.16	Pass
59.00	0.01	-0.70	0.70	0.16	Pass
64.00	0.01	-0.70	0.70	0.16	Pass
69.00	0.01	-0.70	0.70	0.16	Pass
74.00	0.02	-0.70	0.70	0.16	Pass
79.00	0.02	-0.70	0.70	0.16	Pass
84.00	0.01	-0.70	0.70	0.16	Pass
89.00	0.02	-0.70	0.70	0.16	Pass
94.00	0.01	-0.70	0.70	0.16	Pass
99.00	0.01	-0.70	0.70	0.16	Pass
104.00	0.01	-0.70	0.70	0.15	Pass
109.00	-0.01	-0.70	0.70	0.15	Pass
114.00	0.00	-0.70	0.70	0.15	Pass
119.00	0.01	-0.70	0.70	0.15	Pass
124.00	0.00	-0.70	0.70	0.15	Pass
129.00	0.01	-0.70	0.70	0.15	Pass
134.00	0.01	-0.70	0.70	0.15	Pass
136.00	0.00	-0.70	0.70	0.15	Pass
137.00	0.00	-0.70	0.70	0.15	Pass
138.00	-0.01	-0.70	0.70	0.15	Pass
139.00	0.00	-0.70	0.70	0.15	Pass
140.00	0.00	-0.70	0.70	0.15	Pass
141.00	0.00	-0.70	0.70	0.15	Pass

-- End of measurement results--

Slow Detector

Toneburst response performed according to IEC 61672-3:2013 18 and ANSI S1.4-2014 Part 3: 18 for compliance to IEC 61672-1:2013 5.9, IEC 60651:2001 9.4.2, ANSI S1.4:1983 (R2006) 8.4.2 and ANSI S1.4-2014 Part 1: 5.9

Amplitude [dB]	Duration [ms]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
137.00	200	-7.43	-7.92	-6.92	0.15	Pass
	2	-27.02	-29.99	-25.99	0.15	Pass

-- End of measurement results--

Fast Detector

Toneburst response performed according to IEC 61672-3:2013 18 and ANSI S1.4-2014 Part 3: 18 for compliance to IEC 61672-1:2013 5.9, IEC 60651:2001 9.4.2, ANSI S1.4:1983 (R2006) 8.4.2 and ANSI S1.4-2014 Part 1: 5.9

Amplitude [dB]	Duration [ms]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
137.00	200.00	-1.00	-1.48	-0.48	0.15	Pass
	2.00	-18.10	-19.49	-16.99	0.15	Pass
	0.25	-27.04	-29.99	-25.99	0.15	Pass

-- End of measurement results--

Sound Exposure Level

Toneburst response performed according to IEC 61672-3:2013 18 and ANSI S1.4-2014 Part 3: 18 for compliance to IEC 61672-1:2013 5.9, IEC 60651:2001 9.4.2, ANSI S1.4:1983 (R2006) 8.4.2 and ANSI S1.4-2014 Part 1: 5.9

Amplitude [dB]	Duration [ms]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
137.00	200.00	-6.98	-7.49	-6.49	0.15	Pass
	2.00	-27.00	-28.49	-25.99	0.15	Pass
	0.25	-36.11	-39.02	-35.02	0.15	Pass

-- End of measurement results--

Peak C-weight

C-weighted peak sound level performed according to IEC 61672-3:2013 19 and ANSI S1.4-2014 Part 3: 19 for compliance to IEC 61672-1:2013 5.13 and ANSI S1.4-2014 Part 1: 5.13

Level [dB]	Frequency [Hz]	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
135.00	31.50	137.93	135.50	139.50	0.15	Pass
135.00	500.00	138.53	137.50	139.50	0.15	Pass
135.00	8,000.00	137.62	136.40	140.40	0.15	Pass
135.00, Negative	500.00	137.24	136.40	138.40	0.15	Pass
135.00, Positive	500.00	137.26	136.40	138.40	0.15	Pass

-- End of measurement results--

Overload Detector

Overload indication performed according to IEC 61672-3:2013 20 and ANSI S1.4-2014 Part 3: 20 for compliance to IEC 61672-1:2013 5.11, IEC 60804:2000 9.3.5, IEC 61252:2002 11, ANSI S1.4 (R2006) 5.8, and ANSI S1.4-2014 Part 1: 5.11, ANSI S1.25 (R2007) 7.6, ANSI S1.43 (R2007) 7

Measurement	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
Positive	141.81	140.50	142.50	0.15	Pass
Negative	141.71	140.50	142.50	0.15	Pass
Comparison	0.10	-1.50	1.50	0.15	Pass

-- End of measurement results--

Range

Measured in A-weight at 8000 Hz for compliance to IEC 61672-1:2013 5.6.4, IEC 60804:2000 6.2, IEC 61252:2002 8, ANSI S1.4 (R2006) 6.9, ANSI S1.4-2014 Part 1: 5.6.4, ANSI S1.43 (R2007) 6.2

Measurement	Measured Level [dB]	Lower limit [dB]	Expanded Uncertainty [dB]	Result
Primary Indicator Range	122.80	106.00	0.15	Pass
Dynamic Range	129.95	118.00	0.15	Pass

-- End of measurement results--

Gain

Gain measured according to IEC 61672-3:2013 17.3 and 17.4 and ANSI S1.4-2014 Part 3: 17.3 and 17.4

Measurement	Test Result [dB]	Lower limit [dB]	Upper limit [dB]	Expanded Uncertainty [dB]	Result
0 dB Gain	93.90	93.20	94.80	0.15	Pass
0 dB Gain, Linearity	27.10	26.20	27.60	0.16	Pass

-- End of measurement results--

Broadband Noise Floor

Self-generated noise measured according to IEC 61672-3:2013 11.2 and ANSI S1.4-2014 Part 3: 11.2

Measurement	Test Result [dB]	Upper limit [dB]	Result
A-weight Noise Floor	11.85	14.50	Pass
C-weight Noise Floor	14.31	16.70	Pass
Z-weight Noise Floor	22.64	25.00	Pass

-- End of measurement results--

-- End of Report--

Signatory: Tina Brezinski

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10310 AeroHub Boulevard
Cincinnati, OH 45215 United States

THE MODAL SHOP
AN AMPHENOL COMPANY

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AN AMPHENOL COMPANY

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Cincinnati, OH 45215
Ph: 513.351.9919
Fax: 513.458.2172
www.modalshop.com

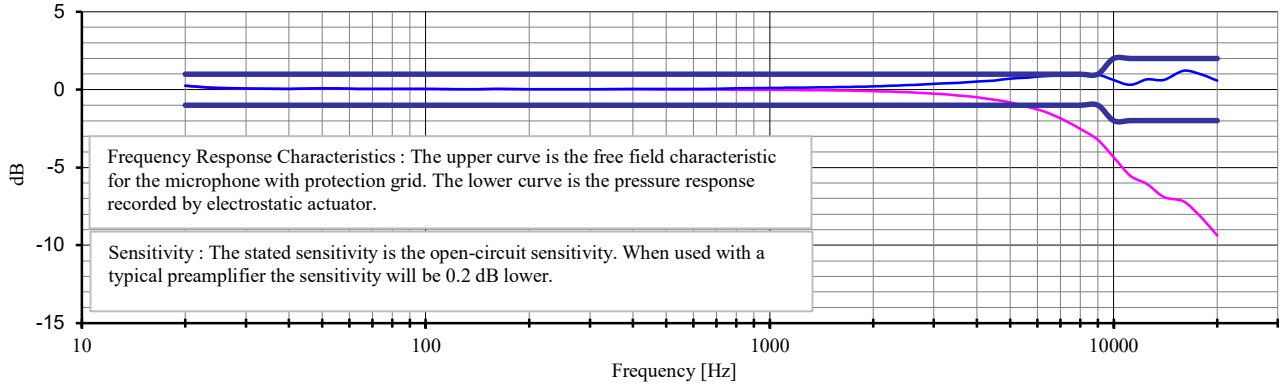
~Certificate of Calibration~

Manufacturer:	PCB	**Customer:**	TMS Rental
Model Number:	377B02	**Address:**	
Serial Number:	344542		
Asset ID:	93557	**Cal Date / Cal ID:**	Mar 06, 2025 16:03:44
Description:	Free-Field Microphone	**Due Date:**	

Sensitivity:	**251.31 Hz**	**1000 Hz**		**Temperature:**	72 (22)	°F (°C)
	-26.26	-26.27	dB re. 1V/Pa	**Humidity:**	23	%
	48.65	48.56	mV/Pa	**Ambient Pressure:**	991.7	mbar

Reference Sens: In Tolerance
Freq. Response: In Tolerance

Polarization Voltage: 0 VDC



Traceability: The calibration is traceable through NIST Project A2416.

Notes:
Calibration results relate only to the items calibrated.
This certificate may not be reproduced, except in full, without written permission.
This calibration is accredited per ISO17025:2017 and ANSI Z540.1.1994.
Decision Rule: Simple Acceptance with a TUR of 4:1 or greater at reference frequency.
Measurement uncertainty (251.31 Hz sensitivity calibration) at 95% confidence level: 0.30 dB
Calibrated per procedure PRD-P204.

User Note: As Found / As Left: In Tolerance

Frequency Response with reference to level at 251.31 Hz

Frequency (Hz)	Upper (dB)	Frequency (Hz)	Upper (dB)	Frequency (Hz)	Upper (dB)	Frequency (Hz)	Upper (dB)
20	0.24	**630**	0.04	**4500**	0.59		
25	0.11	**800**	0.08	**5000**	0.70		
31.5	0.07	**1000**	0.11	**5600**	0.77		
40	0.05	**1120**	0.12	**6300**	0.87		
50	0.09	**1250**	0.13	**7100**	0.89		
63	0.05	**1400**	0.15	**8000**	0.90		
80	0.04	**1600**	0.16	**9000**	0.95		
100	0.05	**1800**	0.19	**10000**	0.61		
125	0.02	**2000**	0.20	**11200**	0.30		
160	0.04	**2240**	0.24	**12500**	0.66		
200	0.03	**2500**	0.29	**14000**	0.63		
250	0.03	**2800**	0.33	**16000**	1.21		
315	0.03	**3150**	0.39	**18000**	0.96		
400	0.04	**3550**	0.44	**20000**	0.58		
500	0.05	**4000**	0.52				

Technician: Michael Wardlow

Approval:

Reference Equipment Used:

Manuf.	*Model*	*Serial*	*Cal. Date*	*Due Date*
GRAS	40AG	58093	6/17/2024	6/17/2025

ACCREDITED
2649.01
Calibration Laboratory

Arcadis Canada Inc.
8133 Warden Avenue, Unit 300
Markham, Ontario L6G 1B3
Canada
Phone: 905 763 2322
Fax:
www.arcadis.com

ATTACHMENT C

THE CITY OF NIAGARA FALLS

APPLICATION PACKET

ZONING AMENDMENT

This Application Packet includes the following

1. Application for Certificate of Appropriateness
2. Zoning Ordinance – Zoning Amendment Chapter
3. SEQR Environmental Review Instructions

Dear Applicant,

Welcome to the Zoning Amendment Process for properties in the City of Niagara Falls.

The amendment process is intended to provide a means for making changes in the text of this Zoning Ordinance and the Official Zoning Map. It is not intended to relieve particular hardships nor to confer special privileges or rights of a particular property owner but is intended as a tool to adjust the provisions of this Zoning Ordinance and the Official Zoning Map in light of changing, newly discovered or newly identified conditions, situations or knowledge and maintain consistency between the zoning and the goals, objectives and policies contained in the Comprehensive Plan.

It is important that you speak with a staff member in the Planning Office to determine if your project requires a Zoning Amendment prior to beginning the application process.

Please feel free to call or email the Planning Office if you have any questions about the application process.

Code Enforcement Contact:
Clifford Scott
Director, Code Enforcement
City of Niagara Falls
clifford.scott@NiagaraFallsNY.gov (716) 286-4492
745 Main St, PO Box 69, Niagara Falls, NY 14302

Planning Office Contact:
Mike Pesarchick
Planner II & Historic Preservation Specialist
City of Niagara Falls
michael.pesarchick@NiagaraFallsNY.gov (716) 286-4467
745 Main St, PO Box 69, Niagara Falls, NY 14302

Sincerely,

Kevin Forma
Director of Planning
City of Niagara Falls

AMENDMENTS (CHAPTER 1302.4)
APPLICATION FOR
ZONING AMENDMENT

PROPERTY INFORMATION:

Property Address: See attached cover letter. SBL Number: See attached cover letter.

Existing Land Use: N/A - Citywide Proposed Land Use: See attached cover letter.
Existing Zoning District: N/A - Citywide Proposed Zoning District: See attached cover letter.
Existing Number of Dwelling Units: See attached. Proposed Number of Dwelling Units: See attached.
Existing Gross Floor Area: See attached. Proposed Gross Floor Area: See attached.

APPLICANT INFORMATION:

Applicant Name Eleventh Street Properties, LLC

Applicant Address 800 Main Street, Suite 3D Phone Number 716-282-0001 Email rogercci@icloud.com

OWNER INFORMATION: If Applicant is also the Owner check box ❑

Owner Name N/A

Owner Address _____ Phone Number _____ Email _____

REQUIRED MATERIALS:

Application requirements vary based on individual amendment petitions. Please refer to the following chart for required application materials. Attach the following application materials as they relate to your application. Items indicated by an asterisks (*) are *required* for every application. The Planning Department or Planning Board may request any additional information or materials as they deem necessary.

Zoning Amendment Procedure – Chapter 1302.4.2	Submitted to Planning Office	Received by Planning Office
Zoning Amendment Application Completed Form*	See attached.	
SEQR* - Part 1 of Full Environmental Assessment Form	See attached.	
Payment* – Application fee of $250.00 (residential) or $500.00 (commercial) check made out to the City Comptroller		
Comprehensive Plan* - Evidence of how the proposal would meet the planning objectives of the Comprehensive Plan and/or the proposed District.	See attached.	

Financial Ability* - Evidence that demonstrates applicant's competence to carry out the plan and his awareness of the financial and organizational scope of such a project.	See attached.	
Rights of Way – Proposed road system and all existing and proposed rights-of-way and easements, whether public or private.	See attached.	
Common Space - The interior common open space system and a statement as to how it is to be owned and maintained.	See attached.	
Drainage - The interior drainage system and how it is proposed to be connected to the drainage systems of adjoining areas.	See attached.	
Staging - If the development is to be staged, clear indication of how the staging is to proceed.	See attached.	

The undersigned certifies that the information submitted for review and decision by the Planning Board is true and accurate.

5.14.2025

Owner Signature and Date

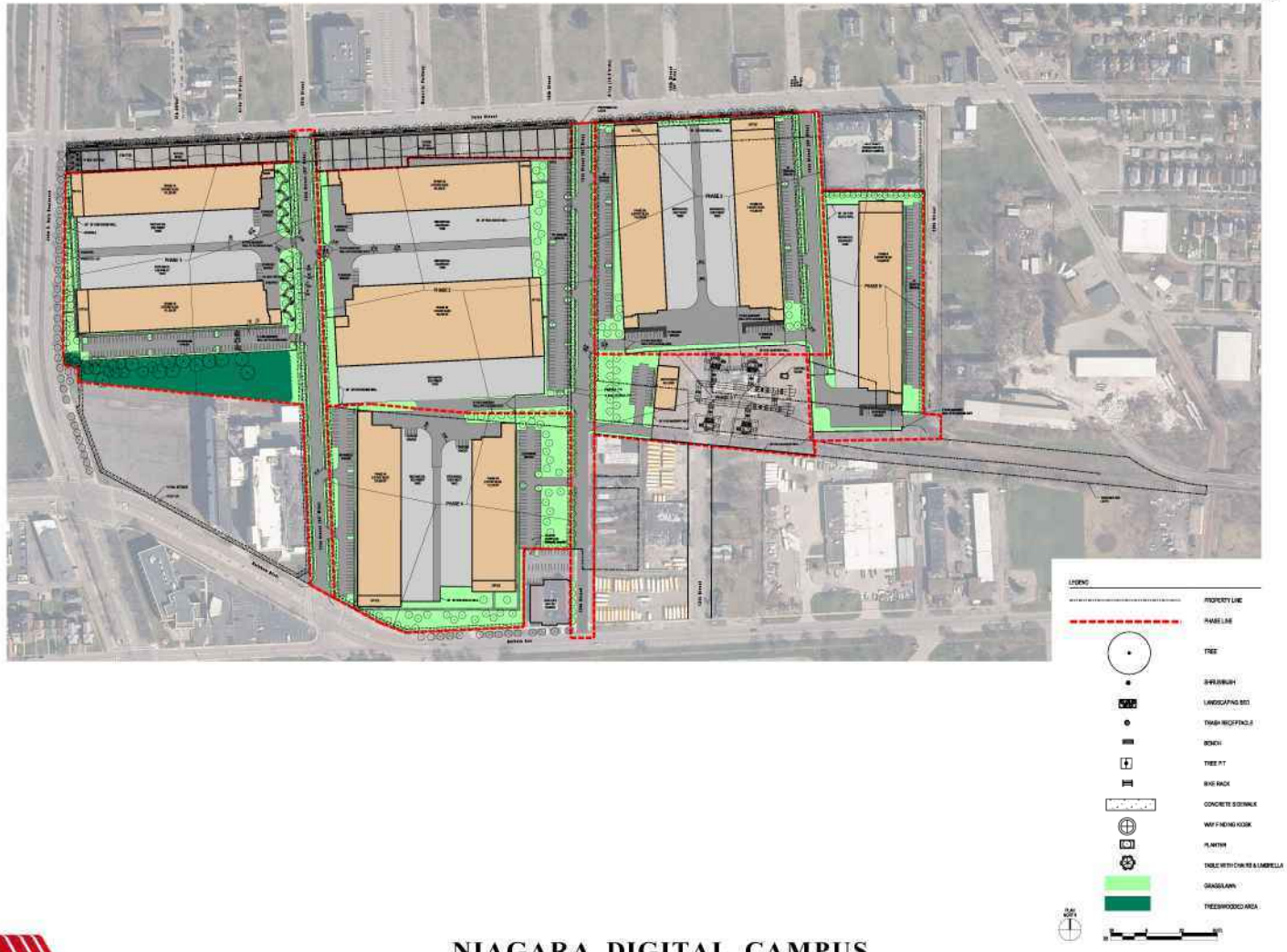
5.14.2025

Applicant Signature and Date

BASIC SEQR APPLICANT INSTRUCTIONS:

1. Using your internet browser, navigate to: gisservices.dec.ny.gov/eafmapper/ As per the text box on the left hand side of the welcome page, **make sure popup blockers are turned off** and press enter. Example – Popup Blocker Modification:
    a. Google Chrome - instructions for turning off the popup blocker: On your computer, open Chrome.
    b. Go to gisservices.dec.ny.gov/eafmapper/ where pop-ups are blocked.
    c. In the address bar, click the Pop-up blocked symbol 
    d. Click the link for the DEC pop-up
    e. To always see pop-ups for the DEC site, select "Always allow pop-ups and redirects from gisservices.dec.ny.gov/eafmapper/ " click Done.
    f. Reload the website.
2. Click the tab marked "Locate Address" on the right hand side of the page under "Navigate To Area (Step 1)".
3. Type the site's address into the box, including city and zip code and press the "Locate" button.
    a. The map will zoom to the general area of your address - but not all the way.
4. Zoom in to your identified address point so that parcel ID numbers are visible and you can identify your exact property.
5. Click "Select Tax Parcel" under the section labeled "Define Project Site (Step 2)".
6. Select your property with the left button of the mouse.
7. Click "Short Form" in the last box on the bottom, unless instructed otherwise by Niagara Falls' Planning / Environmental Office.
    a. There will be a popup box informing you that it might take awhile. Click OK.
        i. Note that it might take a number of minutes for the process to complete.
8. Once the EAFMapper's process is complete, it will download a PDF file labeled "download.pdf"
9. Navigate to the downloaded file, probably in your download folder, and open it using Adobe Acrobat or equivalent.
10. Fill out ALL of the lines contained within part 1 (pages 1, 2, and 3).
    a. Note that some of the questions will already have check marks (questions 7, 12a, 12b, 13a, 15, 16, and 20). These answers came from the DEC and cannot be changed.
        i. The Planning & Environmental Office will make any determination of applicability to the project site.
11. As you fill out the form, if you have ANY questions on how or what to put in the fields, click on the question and it will take you to DEC's website (you may have to give permission to access the internet) to get detailed instructions for that question.
    a. If you cannot find the answer, please contact us! Do not make any "assumptions".
12. Once Part 1 is complete, save, print and sign.
    a. Note: Use the print command in Acrobat - not the print button on the form.
13. Submit the completed SEQR Part 1, including the page labeled "EAF Mapper Summary Report" with your site plan application.

ATTACHMENT D

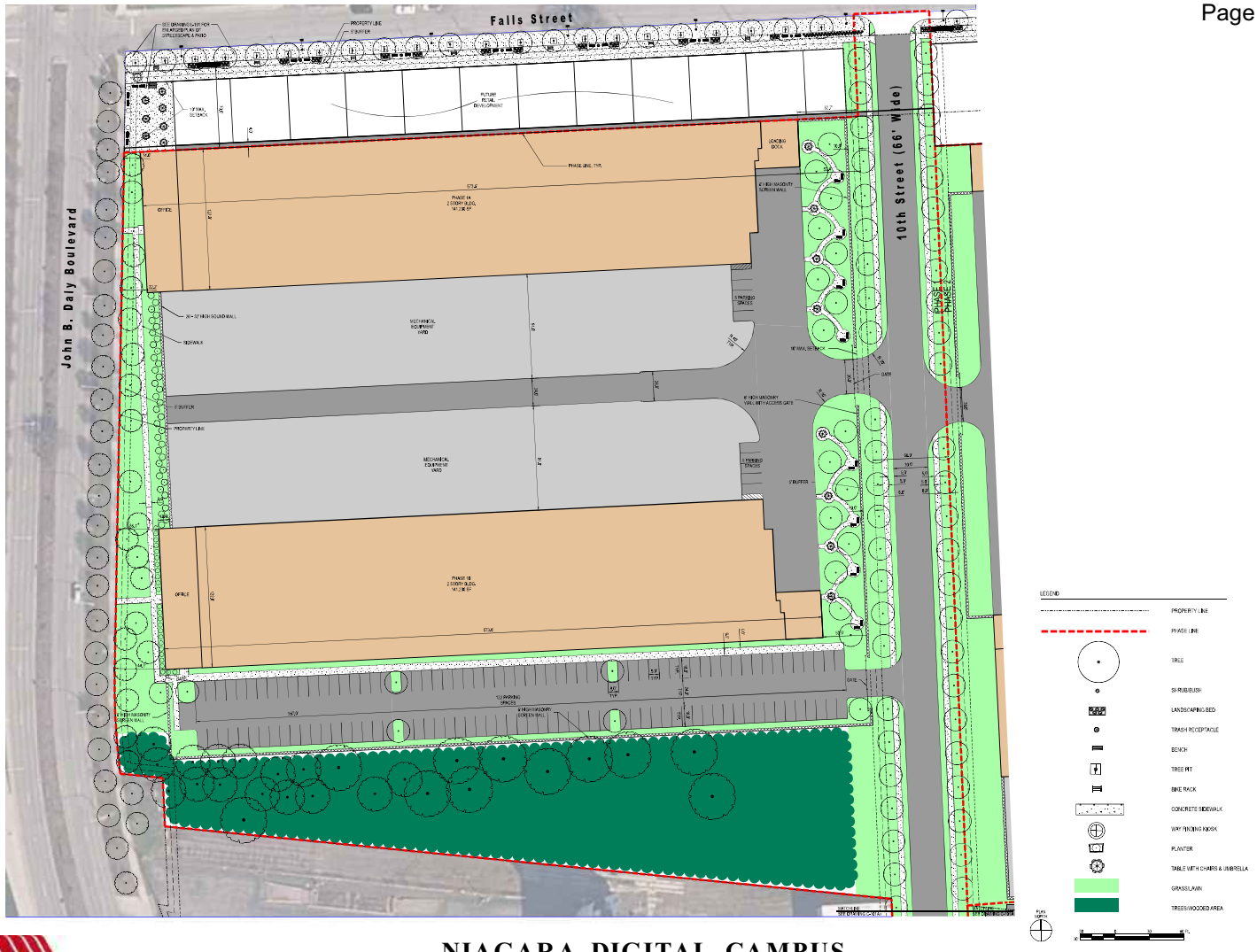


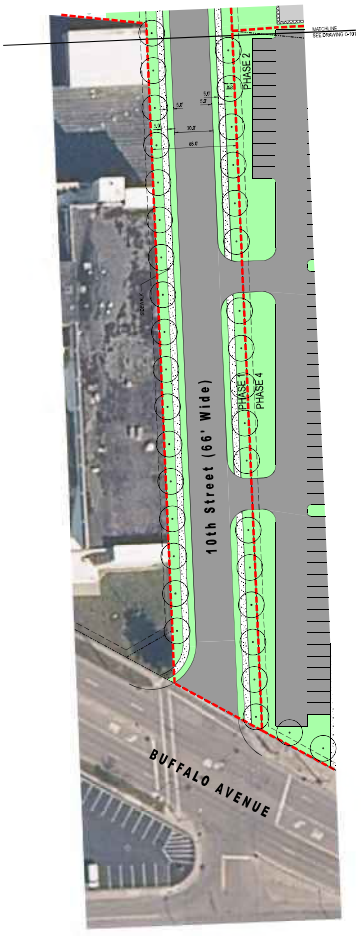
NIAGARA FALLS REDEVELOPMENT, L.L.C.

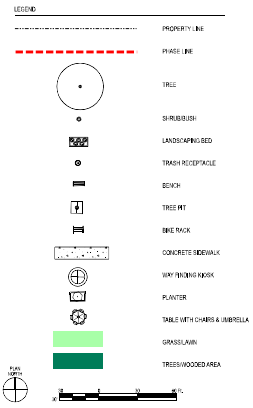
NIAGARA DIGITAL CAMPUS

NIAGARA FALLS, NEW YORK

tmm architect


Falls Street
John B. Daly Boulevard
10th Street (66' Wide)
LEGEND
PROPERTY LINE
PHASE LINE
TREE
SHRUB/BUSH
LANDSCAPING BED
TRASH RECEPTACLE
BENCH
TREE PIT
BIKE RACK
CONCRETE SIDEWALK
WAY FINDING KIOSK
PLANTER
TABLE WITH CHAIRS & UMBRELLA
GRASS LAWN
TREES/WOODED AREA


PHASE 2
PHASE 3
PHASE 4
10th Street (66' Wide)
BUFFALO AVENUE


LEGEND
PROPERTY LINE
PHASE LINE
TREE
SHRUB/BUSH
LANDSCAPING BED
TRASH RECEPTACLE
BENCH
TREE PIT
BIKE RACK
CONCRETE SIDEWALK
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PLANTER
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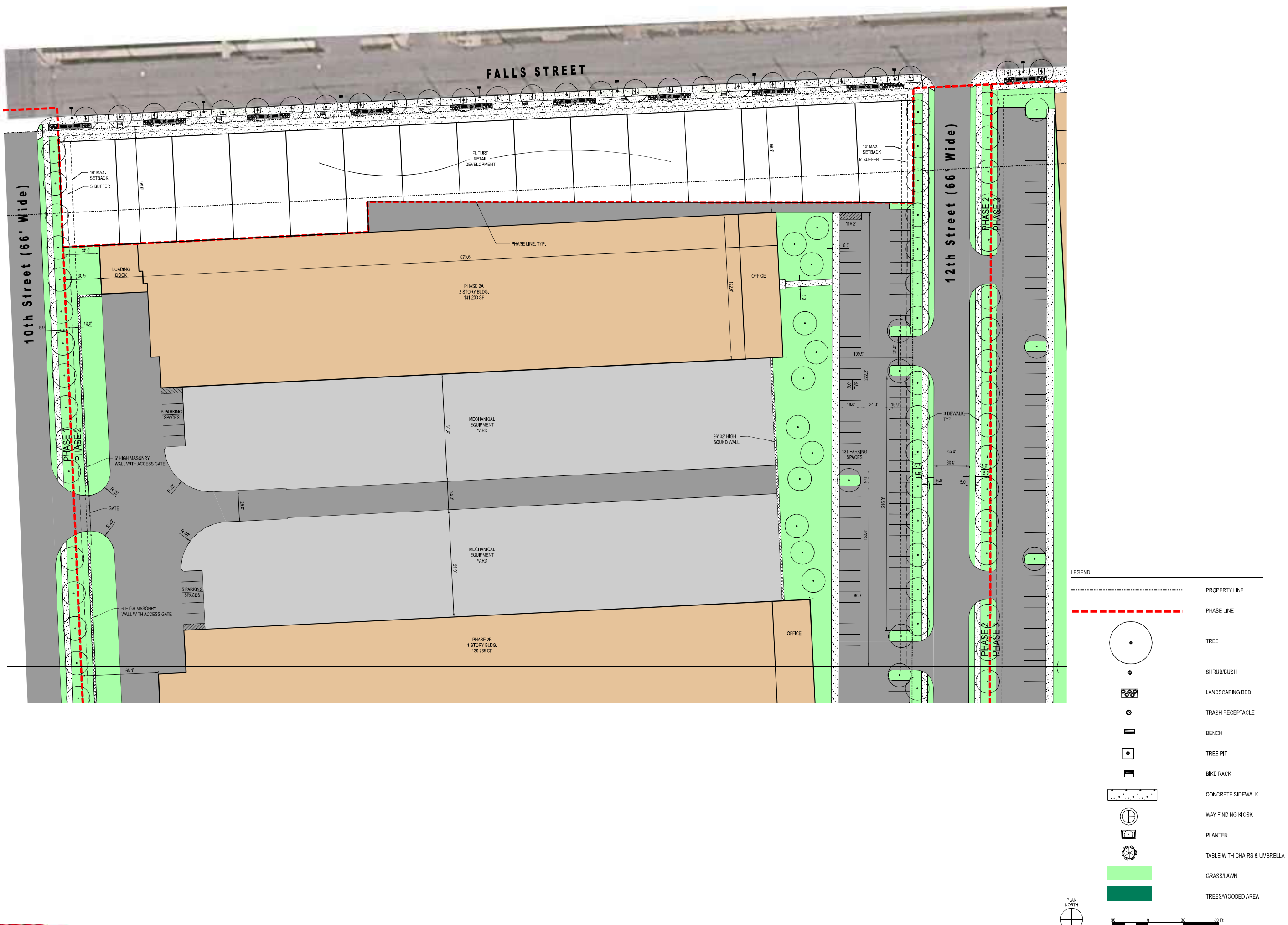
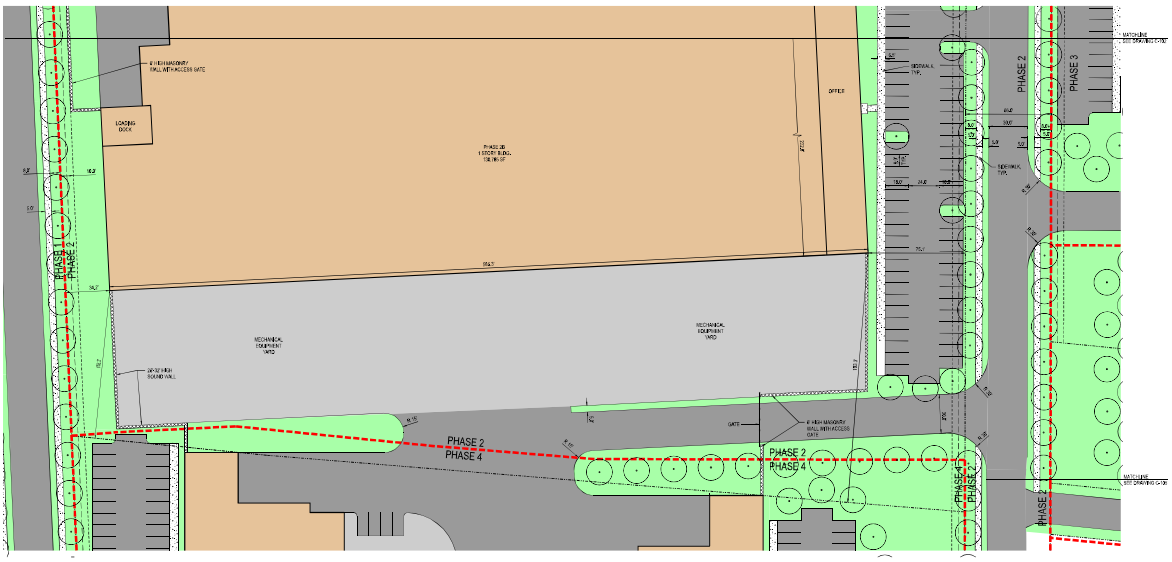


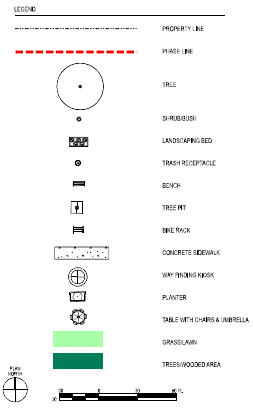
NIAGARA FALLS REDEVELOPMENT, LLC

NIAGARA DIGITAL CAMPUS

NIAGARA FALLS, NEW YORK

trm architect



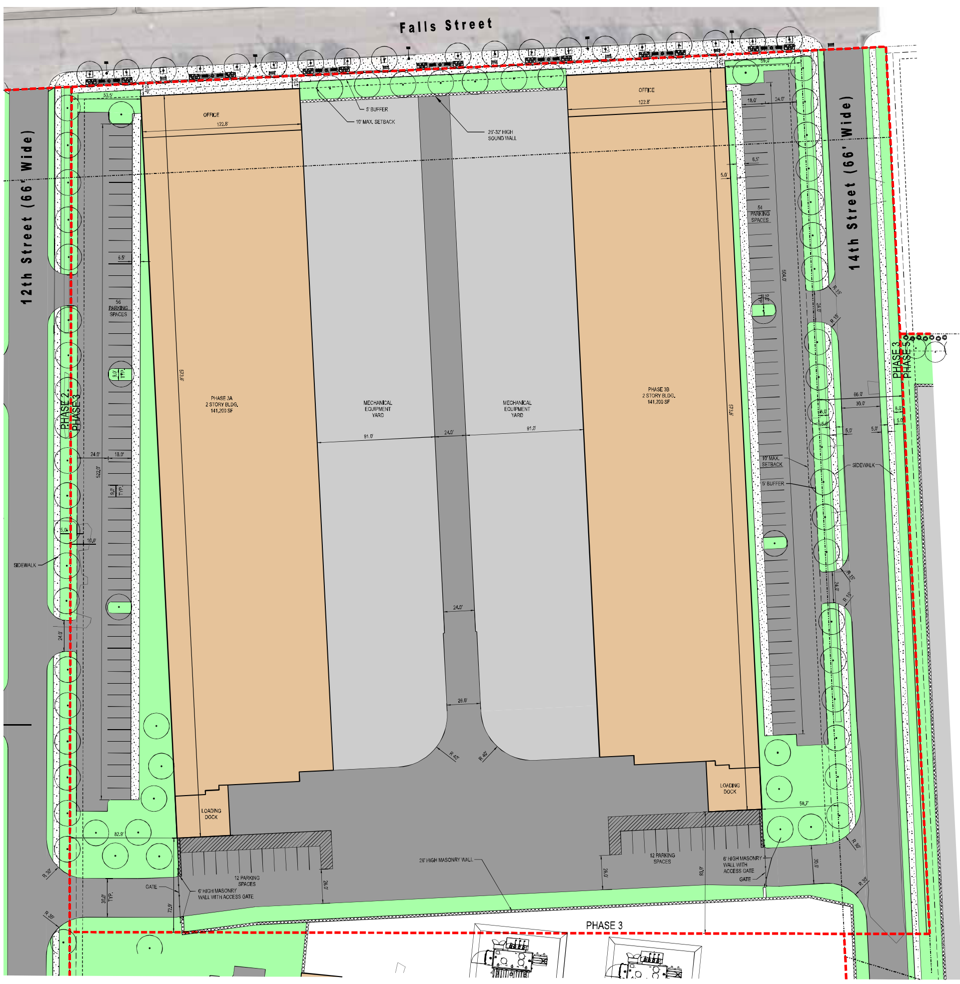


NIAGARA FALLS REDEVELOPMENT, LLC

NIAGARA DIGITAL CAMPUS

NIAGARA FALLS, NEW YORK

bmm architect



LEGEND

- PROPERTY LINE
- PHASE LINE
- TREE
- SHRUB/BUSH
- LANDSCAPING BED
- TRASH RECEPTACLE
- BENCH
- TREE PIT
- BIKE RACK
- CONCRETE SIDEWALK
- WAY FINDING KIOSK
- PLANTER
- TABLE WITH CHAIRS & UMBRELLA
- GRASS/LAWN
- TREES/WOODED AREA

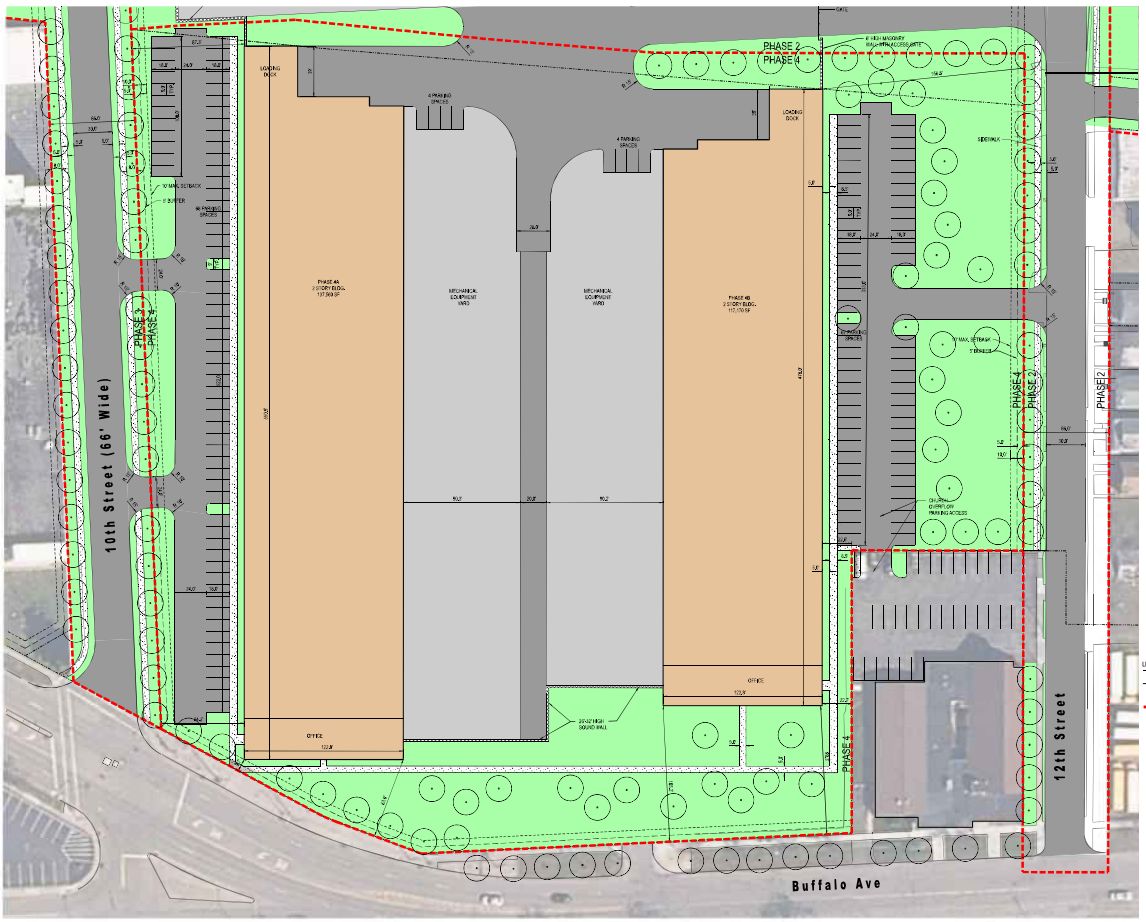
PLAN NORTH

Niagara Falls Redevelopment, LLC

NIAGARA DIGITAL CAMPUS

NIAGARA FALLS, NEW YORK

tvm architect

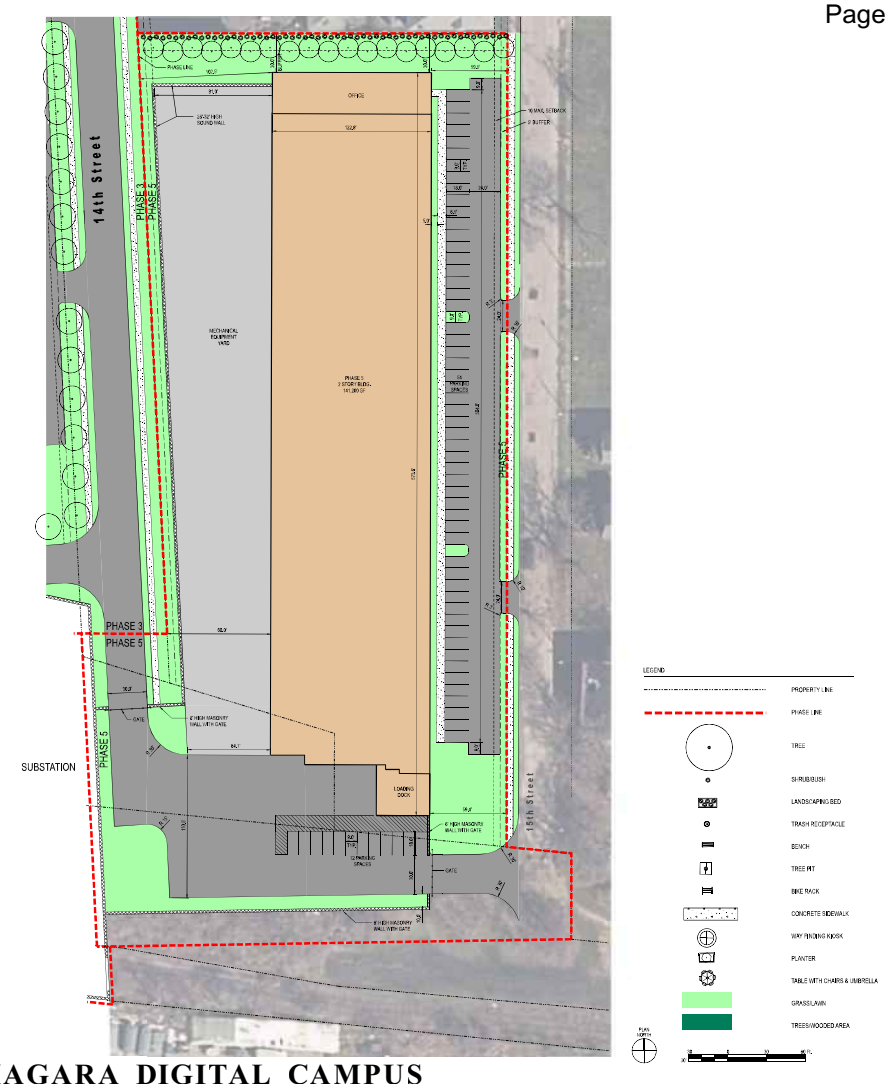


NIAGARA FALLS REDEVELOPMENT, LLC

NIAGARA DIGITAL CAMPUS

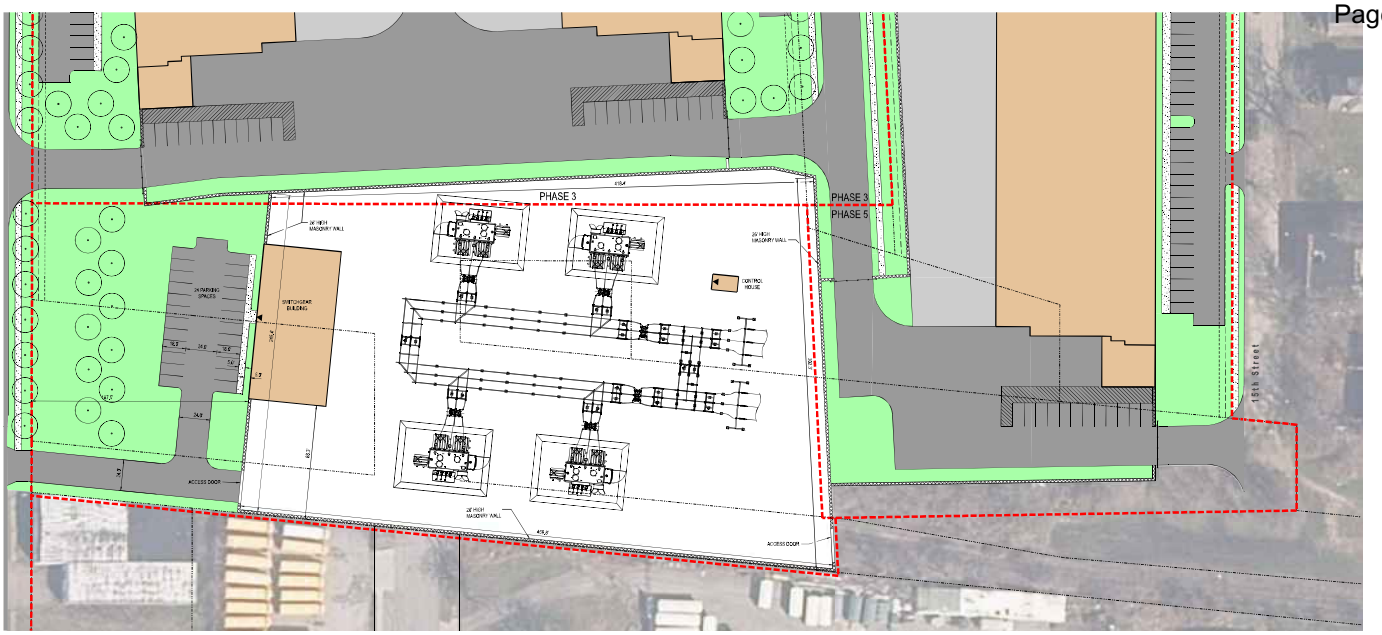
NIAGARA FALLS, NEW YORK

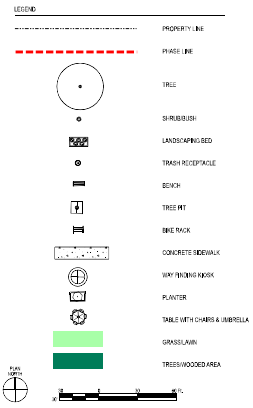
bmm architect



NIAGARA DIGITAL CAMPUS

NIAGARA FALLS, NEW YORK





NIAGARA FALLS REDEVELOPMENT, LLC

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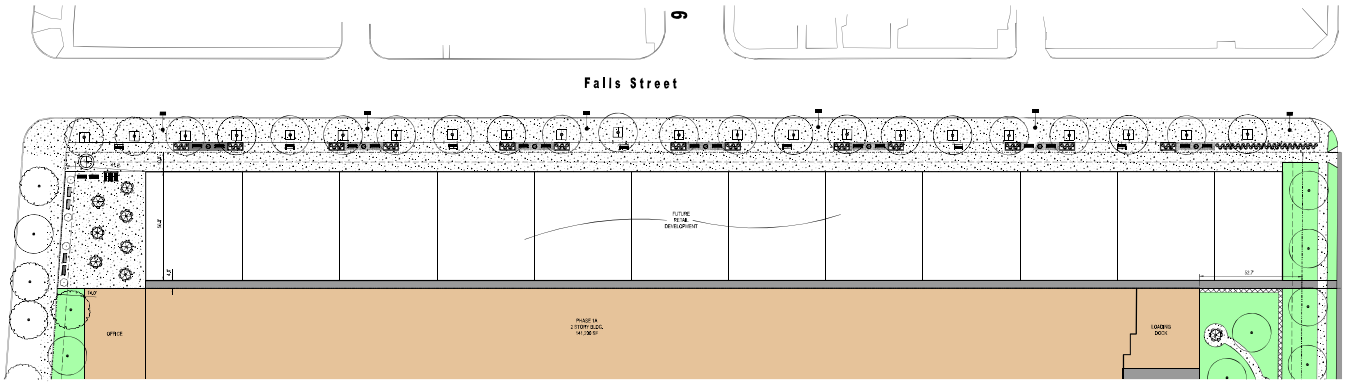
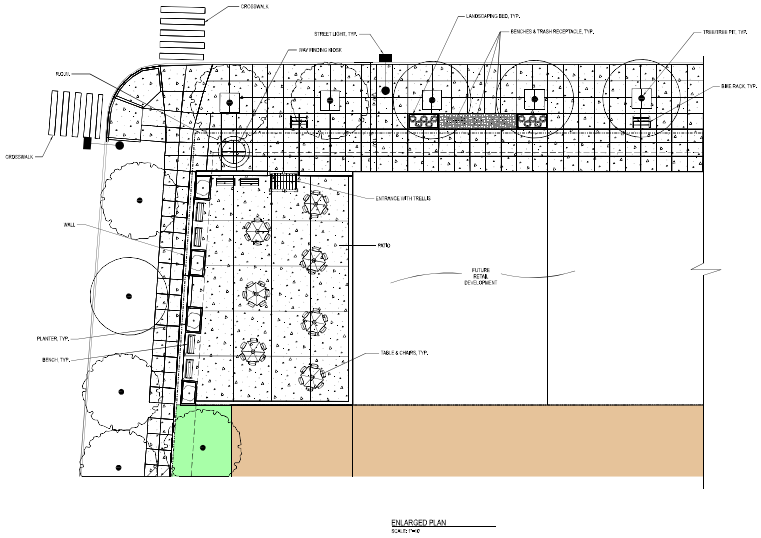
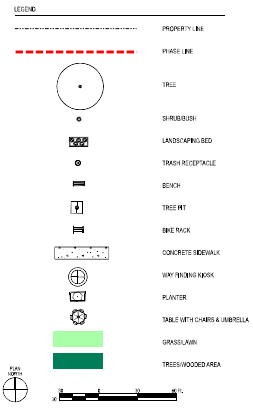
bmm architect





ENLARGED PLAN



ATTACHMENT E

MRB Group

Elevating Communities

NIAGARA DIGITAL CAMPUS: ECONOMIC AND FISCAL IMPACT

PREPARED ON MARCH 24, 2025

PREPARED FOR NIAGARA FALLS REDEVELOPMENT, LLC

EXECUTIVE SUMMARY

Niagara Falls Redevelopment, LLC ("NFR") in partnership with Urbacon Data Centre Solutions Inc. ("Urbacon") (collectively referred to as the "Developer") is proposing the development of a multi-phase, high-capacity data center campus on approximately 53 acres of privately owned land (the "Site") in the downtown area of the City of Niagara Falls, New York. The proposed development, the Data Center at the Niagara Digital Campus, includes 5 phases that, when fully built, will result in eight 2-story buildings and one 1-story building, totaling over 1.2 million square feet of data center space (the "Project"). Each building will be comprised of server halls, network infrastructure, office space, and mechanical/electrical support areas. The Developer expects that the Project will include a capital investment of approximately $1.5 billion over 10 years. MRB Group was commissioned to conduct an economic and fiscal impact analysis of the Project on the local economy and on revenues for the State of New York (the "State"), the City of Niagara Falls (the "City"), the Niagara Falls City School District (the "School District"), and Niagara County (the "County"), and to demonstrate NFR's full awareness of the financial and organizational magnitude of the Project. Below are the results of our analysis.

Economic Impacts Summary, 20 Years

Year	Total Jobs	Total Earnings	Total Sales
1	943	$68,804,305	$186,770,229
2	943	$70,180,391	$190,505,634
3	1,114	$84,437,470	$241,842,760
4	1,114	$86,126,220	$246,679,615
5	1,286	$101,221,496	$301,060,311
6	1,286	$103,245,926	$307,081,518
7	1,457	$119,223,855	$364,667,915
8	1,457	$121,608,332	$371,961,274
9	1,157	$98,207,991	$323,508,090
10	771	$66,440,694	$245,671,194
11	771	$67,769,508	$250,584,618
12	771	$69,124,898	$255,596,310
13	771	$70,507,396	$260,708,237
14	771	$71,917,544	$265,922,401
15	771	$73,355,895	$271,240,849
16	771	$74,823,013	$276,665,666
17	771	$76,319,473	$282,198,980
18	771	$77,845,862	$287,842,959
19	771	$79,402,779	$293,599,819
20	771	$80,990,835	$299,471,815
Total	19,238	$1,661,553,882	$5,523,580,194
Annual	962	$83,077,694	$276,179,010

Economic Impacts

As shown in the table to the right, there would be new jobs, wages, and sales associated with both the construction and operations of the Project. Over the course of twenty years, the Project will support 19,238 job-years (inclusive of construction jobs, permanent jobs, and indirect jobs), $1.66 billion in earnings and $5.52 billion in sales. This equates to an annual average of 962 jobs earning $83.1 million in wages each year.

Fiscal Impacts

The Project will have a number of fiscal impacts on the City, School District, and County, primarily through new property, gross receipts and sales tax revenue. The Project's local benefit to the City and School District includes the property taxes to be paid on the improvements of the Site, sales tax associated with the Project's energy use, and Gross Receipts tax also paid on the Project's energy use. Over a 20-year period, the Project will generate $298 million in property, sales and gross receipts tax for the City and School District.

The County will receive property tax revenue associated with improvements to the Site, and sales tax revenue associated with new construction and operational employees spending a portion of their wages locally. Over 20 years, the County will receive an estimated $54 million in property and sales tax revenue.

New York State will also receive approximately $62.7 million in sales tax revenue associated with the Project's energy usage. Note that the State will also receive substantial other revenues not included here, such as State corporate and personal income tax, excise taxes, etc.

In total, the Project will generate $414.9 million in tax revenue for the affected taxing jurisdictions (the City, the County and the School District, collectively, the "ATJs".)

Fiscal Impact Summary Table

Year	New Tax Revenue to City and School Subtotal	New Tax Revenue to County Subtotal	New Tax Revenue to State*	Grand Total
1	-	$963,260	-	$963,260
2	-	$982,525	-	$982,525
3	$3,717,623	$1,385,001	$781,736	$5,884,359
4	$3,791,975	$1,412,701	$797,370	$6,002,047
5	$7,735,629	$1,839,247	$1,626,635	$11,201,511
6	$7,890,342	$1,876,032	$1,659,168	$11,425,542
7	$12,072,223	$2,327,935	$2,538,527	$16,938,685
8	$12,313,667	$2,374,494	$2,589,298	$17,277,458
9	$16,746,587	$2,853,107	$3,521,445	$23,121,139
10	$19,216,709	$3,130,043	$4,040,858	$26,387,609
11	$19,601,043	$3,192,643	$4,121,675	$26,915,361
12	$19,993,064	$3,256,496	$4,204,109	$27,453,669
13	$20,392,925	$3,321,626	$4,288,191	$28,002,742
14	$20,800,783	$3,388,059	$4,373,954	$28,562,797
15	$21,216,799	$3,455,820	$4,461,434	$29,134,053
16	$21,641,135	$3,524,936	$4,550,662	$29,716,734
17	$22,073,958	$3,595,435	$4,641,676	$30,311,068
18	$22,515,437	$3,667,344	$4,734,509	$30,917,290
19	$22,965,746	$3,740,691	$4,829,199	$31,535,636
20	$23,425,061	$3,815,504	$4,925,783	$32,166,348
Total	$298,110,704	$54,102,902	$62,686,228	$414,899,833

*State revenue figures include only sales tax revenue from energy use. See note in text.

Impact on Typical Homeowner

To help illustrate what this overall impact means to City residents, we translate the fiscal benefit of the Project to the "typical" City resident, defined as the owner of an average-priced, single-family home. As shown in the preceding table, the Project will create substantial new tax revenue for the City and School District. This new revenue will displace funds that the City and School District would otherwise have to collect via their respective real property tax levies in future years. As set forth in detail on the last pages of our analysis, the results of these new revenues mean that the "typical" homeowner would save $14,603 over 20 years, for an average of $730 per year.

Summary of Tax Savings for the Average Homeowner

	Savings on City Tax Bill	Savings on School Tax Bill	Total
Total, Year 1 - 20	$8,653	$5,950	$14,603
Average Annual	$433	$298	$730

CONTENTS

INTRODUCTION

The Developer is proposing the development of a multi-phase, high-capacity data center campus on approximately 53 acres of privately owned land in the downtown area of the City of Niagara Falls, New York. The proposed development, the Data Center at the Niagara Digital Campus, includes 5 phases that, when fully built, will result in eight 2-story buildings and one 1-story building, totaling over 1.2 million square feet of data center space. Each building will be comprised of server halls, network infrastructure, office space, and mechanical/electrical support areas. The Developer expects that the Project will include a capital investment of approximately $1.5 billion over 10 years. MRB Group was commissioned to conduct an economic and fiscal impact analysis of the Project on the local economy and on revenues for the State of New York, the City of Niagara Falls, the Niagara Falls City School District, and Niagara County, as well as to demonstrate NFR's full awareness of the financial and organizational magnitude of the Project. Below are the results of our analysis.

Data Note

In addition to data provided by the Developer, MRB Group utilized other data sources including the New York State Department of Taxation and Finance, the City of Niagara Falls PROPS, and Zillow. The economic impact models are calculated using Lightcast, an industry-leading economic impact modelling software package.

The Niagara Digital Campus

Shown to the right is the conceptual layout of the Data Center at the Niagara Digital Campus. As shown, the Project includes nine data center buildings that will be constructed over five phases. In total, the Project will create over 1.2 million square feet of data center space.

NIAGARA DIGITAL CAMPUS
NIAGARA FALLS, NEW YORK

ECONOMIC IMPACT ANALYSIS

The Project produces economic impacts for the City and County in several ways. Economic impacts include the effects on jobs, earnings and sales associated with the construction of the Project. Economic impacts also include the annual impacts associated with onsite employment of both the facility operator and the tenants.

Methodology

Both the construction and employment-based economic impacts have “Direct” and “Indirect” components. For the construction, this includes:

- Direct: Jobs, wages, and sales that occur as a result of the local spending on construction materials and labor.
- Indirect: Jobs, wages, and sales caused by the Direct impacts, and result from business-to-business purchases (e.g. a contractor buying a piece of equipment from a vendor) and from construction employees spending a portion of their wages locally.

For the operational impacts:

- Direct: Jobs, wages, and sales created from the operations of the Site.
- Indirect: Jobs, wages, and sales caused by the Direct impact, such as business-to-business purchases and employees of such businesses spending a portion of their wages locally.

To estimate the Direct and Indirect impacts, MRB Group employs the Lightcast economic modeling system. We use data from Developer and publicly available sources as inputs to the Lightcast modeling system.

Economic Impact of Construction

The table to the right shows the estimated spending on construction labor and materials that will be sourced from Niagara County. In total, the Developer estimates approximately $141.5 million of materials and labor will be sourced from Niagara County for each of the Project's nine buildings. Therefore, the total local construction spending in the County will be approximately $1.3 billion over the Project's ten-year construction phase.

Total Local Construction Spending

	Local Spend
Labor	$757,350,000
Materials	$516,375,000
Total Local Spend	$1,273,725,000

Source: Developer, MRB

We use $1.3 billion as the input to our economic impact modelling software (see "Direct Sales" in table) to assess the economic impacts of the Project's construction. That level of investment in local materials and labor will generate an estimated 6,084 direct jobs earning $489.0 million in wages. Coupled with the indirect impacts, the total economic impact of the Project's construction will be 8,487 jobs, $619.2 million in wages, and $1.7 billion in sales.

Economic Impact of Construction Total, One-Time

	Direct	Indirect	Total
Jobs	6,084	2,403	8,487
Earnings	$488,982,215	$130,256,528	$619,238,742
Sales	$1,273,725,000	$407,207,063	$1,680,932,063

Source: Lightcast, MRB

Economic Impact of Operations

The table below shows the annual economic impact of the Project once it is fully constructed. The Project will create permanent jobs for both the operator and tenants of the data centers. We conservatively estimate 550 permanent jobs (see "Direct Jobs") will be created once the Project is fully constructed. This estimate was derived using industry-based metric of approximately 4 full-time equivalent (FTE) jobs per megawatt of power consumption and the Project's estimated power consumption of 140 megawatts (MW).[1]

550 direct jobs will generate $45.1 million in wages and $177.4 million in sales. Coupled with the indirect impacts, the Project will generate a total annual economic impact of 771 jobs, $55.6 million in earnings, and $205.6 million in sales once the data campus is fully constructed.

Total Economic Impact of Onsite Employment, Annual			
	Direct	Indirect	Total
Jobs	550	221	771
Earnings	$45,098,405	$10,496,196	$55,594,600
Sales	$177,379,222	$28,187,444	$205,566,665

Source: Lightcast, MRB

[1] For purposes of comparison, when the 15 MW Yahoo data center in the Town of Lockport opened in 2010, it employed 125 FTE or 8.3 FTE/MW. Had we used that ratio for the Data Center at the Niagara Digital Campus, the direct job estimate would have been 1,162, not 550.

Economic Impact Summary by Year

The table to the right displays the total annual economic impact of the Project by year. As mentioned, the Project consists of 5 phases. We assume each phase will take approximately 2 years to complete, for a total of ten years. As such, the economic impact of the Project will be staggered over the construction period as additional data center space becomes activated until the Project is fully built in Year 10. Over 20 years, we estimate the Project will generate $1.7 billion in earnings and $5.5 billion in sales.

Economic Impacts Summary, 20 Years

Year	Phase	Escalation	Buildings in Constr.	Buildings in Operation	Total Jobs	Total Job Years	Total Earnings	Total Sales
1	1	1.0000	2	0	943	943	$68,804,305	$186,770,229
2	1	1.0200	2	0	943	1,886	$70,180,391	$190,505,634
3	2	1.0404	2	2	1,114	3,000	$84,437,470	$241,842,760
4	2	1.0612	2	2	1,114	4,115	$86,126,220	$246,679,615
5	3	1.0824	2	4	1,286	5,400	$101,221,496	$301,060,311
6	3	1.1041	2	4	1,286	6,686	$103,245,926	$307,081,518
7	4	1.1262	2	6	1,457	8,143	$119,223,855	$364,667,915
8	4	1.1487	2	6	1,457	9,600	$121,608,332	$371,961,274
9	5	1.1717	1	8	1,157	10,757	$98,207,991	$323,508,090
10	5	1.1951	0	9	771	11,528	$66,440,694	$245,671,194
11	5	1.2190	0	9	771	12,299	$67,769,508	$250,584,618
12	5	1.2434	0	9	771	13,070	$69,124,898	$255,596,310
13	5	1.2682	0	9	771	13,841	$70,507,396	$260,708,237
14	5	1.2936	0	9	771	14,612	$71,917,544	$265,922,401
15	5	1.3195	0	9	771	15,383	$73,355,895	$271,240,849
16	5	1.3459	0	9	771	16,154	$74,823,013	$276,665,666
17	5	1.3728	0	9	771	16,925	$76,319,473	$282,198,980
18	5	1.4002	0	9	771	17,696	$77,845,862	$287,842,959
19	5	1.4282	0	9	771	18,467	$79,402,779	$293,599,819
20	5	1.4568	0	9	771	19,238	$80,990,835	$299,471,815
Total						19,238	$1,661,553,882	$5,523,580,194

FISCAL IMPACT ANALYSIS

The Project will also have fiscal benefits to local municipalities, including the City, County and School District, as well as the State of New York. The fiscal benefits of the Project include the property tax payments on the improved Site, sales tax revenue associated with construction and onsite employment, and sales and gross receipts tax associated with the Project's power consumption.

To estimate the property taxes generated from the Project, we use the associated tax rates as shown in the table to the right which were obtained from the City's Online Property Tax Lookup Search.

The local property valuation expert provided a range of the estimated future assessed values of the Project once it is fully constructed. The estimated future assessed value ranges from $155.0 million to $165.0.[2] For purposes of this analysis, we use the midpoint of $160.0 million. Given the Project's nine buildings, the estimated assessed value of each building to be $17.8 million.

Tax Rates	
	Rate
City	38.717
County	10.267
RD291 County Refuse	0.081
School	19.516
Total	68.582

Source: City of Niagara Falls PROS Property Search

Estimated Future Assessed Value	
Low	$155,000,000
High	$165,000,000
Midpoint	$160,000,000
Midpoint Per Building AV	$17,777,778

Source: Valuation Expert; MRB

[2] This range accounts for the City's Equalization Rate of 50%.

Property Taxes

The table to the right shows the estimated property taxes generated by the Project based on the assessed value of the improvements. The Project will not generate any additional property taxes above the current taxes in Years 1 and 2, as the first two buildings are being constructed. Over 20 years, applying a 2% escalator per year to the tax rate, the Project will generate $203.4 million in property taxes.

Estimated Future Property Taxes on Improvements

	Escalator	Tax Rate	Buildings	Assessed Value	Property Taxes
Year 1	1.000	68.582	-	-	-
Year 2	1.020	69.953	-	-	-
Year 3	1.040	71.352	2	$35,555,556	$2,536,977
Year 4	1.061	72.780	2	$35,555,556	$2,587,716
Year 5	1.082	74.235	4	$71,111,111	$5,278,941
Year 6	1.104	75.720	4	$71,111,111	$5,384,520
Year 7	1.126	77.234	6	$106,666,667	$8,238,316
Year 8	1.149	78.779	6	$106,666,667	$8,403,082
Year 9	1.172	80.354	8	$142,222,222	$11,428,192
Year 10	1.195	81.962	9	$160,000,000	$13,113,850
Year 11	1.219	83.601	9	$160,000,000	$13,376,127
Year 12	1.243	85.273	9	$160,000,000	$13,643,650
Year 13	1.268	86.978	9	$160,000,000	$13,916,523
Year 14	1.294	88.718	9	$160,000,000	$14,194,853
Year 15	1.319	90.492	9	$160,000,000	$14,478,750
Year 16	1.346	92.302	9	$160,000,000	$14,768,325
Year 17	1.373	94.148	9	$160,000,000	$15,063,692
Year 18	1.400	96.031	9	$160,000,000	$15,364,966
Year 19	1.428	97.952	9	$160,000,000	$15,672,265
Year 20	1.457	99.911	9	$160,000,000	$15,985,710
	Total				$203,436,459

Source:City: MRB

Property Taxes by ATJ

The table to the right breaks down the estimated property taxes generated by the Project by affected taxing jurisdiction (ATJ). Of the $203.4 million in property tax revenue, $114.8 million will go to the City, $30.7 million to the County, and $57.9 million to the School District.

Property Tax Revenue on Improvements by ATJ					
Year	Escalator	Tax Rate	City	County	School District
Year 1	1.000	38.717	-	-	-
Year 2	1.020	39.492	-	-	-
Year 3	1.040	40.281	$1,432,227	$382,825	$721,925
Year 4	1.061	41.087	$1,460,871	$390,482	$736,363
Year 5	1.082	41.909	$2,980,177	$796,583	$1,502,181
Year 6	1.104	42.747	$3,039,781	$812,515	$1,532,225
Year 7	1.126	43.602	$4,650,865	$1,243,148	$2,344,304
Year 8	1.149	44.474	$4,743,882	$1,268,011	$2,391,190
Year 9	1.172	45.363	$6,451,679	$1,724,494	$3,252,018
Year 10	1.195	46.271	$7,403,302	$1,978,857	$3,731,691
Year 11	1.219	47.196	$7,551,368	$2,018,435	$3,806,325
Year 12	1.243	48.140	$7,702,395	$2,058,803	$3,882,451
Year 13	1.268	49.103	$7,856,443	$2,099,979	$3,960,100
Year 14	1.294	50.085	$8,013,572	$2,141,979	$4,039,302
Year 15	1.319	51.087	$8,173,844	$2,184,818	$4,120,088
Year 16	1.346	52.108	$8,337,321	$2,228,515	$4,202,490
Year 17	1.373	53.150	$8,504,067	$2,273,085	$4,286,540
Year 18	1.400	54.213	$8,674,148	$2,318,547	$4,372,271
Year 19	1.428	55.298	$8,847,631	$2,364,918	$4,459,716
Year 20	1.457	56.404	$9,024,584	$2,412,216	$4,548,910
Total			$114,848,158	$30,698,211	$57,890,090

Source:City: MRB

Sales Tax Revenue to County

The County will receive sales tax revenue during both the construction and operation phases of the Project that is associated with new employees spending a portion of their wages locally. The tables to the right estimate the amount of sales tax that will be generated on a per-building basis. We assume 70% of wages will be spent in the County, and then we assume 25% of that in-County spending on goods and services that are subject to the sales tax. After applying the County's sales tax rate of 4%, we estimate the County will receive $481,630 in sales tax revenue per building from the construction employees and $43,240 annually from the onsite employees per building.

County Sales Tax Revenue, Construction Phase, Per Building	
Line	Value
New Earnings Per Building	$68,804,305
% Spent in County	70%
$ Amount Spent in County	$48,163,013
% Spent on Taxable Sales	25%
$ Amount Spent on Taxable Sales	$12,040,753
County Sales Tax Rate	4%
County Sales Tax Revenue, Construction	$481,630

Source: MRB

County Sales Tax Revenue, Onsite Employment, Per Building	
	Value
New Earnings Per Building	$6,177,178
% Spent in County	70%
$ Amount Spent in County	$4,324,024
% Spent on Taxable Sales	25%
$ Amount Spent on Taxable Sales	$1,081,006
County Sales Tax Rate	4%
County Sales Tax Revenue, Onsite Employment	$43,240

Source: MRB

We calculate the estimated sales tax revenue for the County on a per building basis so that we can show the sales tax impact over time as the buildings are being constructed. The table to the right shows that the County will receive $16.0 million in sales tax revenue from local spending over 20 years.

Sales Tax Impact to County from Employment

Year	Escalation	Buildings in Construction	Buildings in Operation	Sales Tax Revenue From Employment
Year 1	1.000	2	0	$963,260
Year 2	1.020	2	0	$982,525
Year 3	1.040	2	2	$1,092,150
Year 4	1.061	2	2	$1,113,993
Year 5	1.082	2	4	$1,229,882
Year 6	1.104	2	4	$1,254,480
Year 7	1.126	2	6	$1,376,961
Year 8	1.149	2	6	$1,404,500
Year 9	1.172	1	8	$969,609
Year 10	1.195	0	9	$465,085
Year 11	1.219	0	9	$474,387
Year 12	1.243	0	9	$483,874
Year 13	1.268	0	9	$493,552
Year 14	1.294	0	9	$503,423
Year 15	1.319	0	9	$513,491
Year 16	1.346	0	9	$523,761
Year 17	1.373	0	9	$534,236
Year 18	1.400	0	9	$544,921
Year 19	1.428	0	9	$555,819
Year 20	1.457	0	9	$566,936
Total				$16,046,847

Source: MRB

Sales Tax From Energy Use

The other significant source of sales tax revenue for the Project will be the sales taxes generated from the Project's energy use. MRB Group was provided an estimate prepared by a third-party energy consultant of the annual energy consumption of the Project, which we show on a per building basis. Each building will consume an estimated 120,960 MWh of electricity that will result in an energy bill of $9.4 million per building per year.

Applying the State sales tax of 4%, the State will receive approximately $375,690 in sales tax for each building. Locally, the City receives an additional 4% in sales tax on utilities and 1% on gross receipts tax. The dollar amounts of these revenues are $375,690 and $93,922 respectively. The School District also imposes an additional 3% sales tax on utilities which totals $281,767. In total, each building will generate $1.1 million in sales and gross receipts tax revenue for the ATJs due to energy consumption.

Sales Tax From Energy Use Per Building	
	Vaue
Estimated Annual Energy Consumption (MWh)	120,960
Estimated Annual Energy Bill	$9,392,247
State Sales Tax Rate	4%
State Sales Tax Revenue	$375,690
City Sales Tax %	4%
City Sales Tax Revenue	$375,690
School District Sales Tax %	3%
School District Sales Tax Revenue	$281,767
Gross Receipts Tax %	1%
Gross Receipts Tax Revenue	$93,922
Total Tax From Energy Use	$1,127,070

Source: Developer; NYS Tax & Finance; MRB

Local and State Sales Tax Impact Over 20 Years

Given the per building sales tax estimate calculated above, the table to the right shows the impact over 20 years. The State and City will each receive $62.7 million in sales tax revenue over 20 years. The City will also receive an additional $15.7 million in gross receipts tax revenue. The School District will receive $47.0 million in sales tax revenue associated with the Project's energy use over 20 years.

Local and State Sales Tax and Gross Receipts Tax Impact from Energy Consumption

Year	Escal.	Buildings in Operation	Energy Use - State Sales Tax	Energy Use - City Sales Tax	Energy Use - School District Sales Tax	Gross Receipts Tax - City	Total Tax from Energy Use
1	1.000	0	$0	$0	$0	$0	$0
2	1.020	0	$0	$0	$0	$0	$0
3	1.040	2	$781,736	$781,736	$586,302	$195,434	$2,345,207
4	1.061	2	$797,370	$797,370	$598,028	$199,343	$2,392,111
5	1.082	4	$1,626,635	$1,626,635	$1,219,976	$406,659	$4,879,906
6	1.104	4	$1,659,168	$1,659,168	$1,244,376	$414,792	$4,977,504
7	1.126	6	$2,538,527	$2,538,527	$1,903,895	$634,632	$7,615,581
8	1.149	6	$2,589,298	$2,589,298	$1,941,973	$647,324	$7,767,893
9	1.172	8	$3,521,445	$3,521,445	$2,641,084	$880,361	$10,564,334
10	1.195	9	$4,040,858	$4,040,858	$3,030,643	$1,010,214	$12,122,574
11	1.219	9	$4,121,675	$4,121,675	$3,091,256	$1,030,419	$12,365,025
12	1.243	9	$4,204,109	$4,204,109	$3,153,081	$1,051,027	$12,612,326
13	1.268	9	$4,288,191	$4,288,191	$3,216,143	$1,072,048	$12,864,572
14	1.294	9	$4,373,954	$4,373,954	$3,280,466	$1,093,489	$13,121,863
15	1.319	9	$4,461,434	$4,461,434	$3,346,075	$1,115,358	$13,384,301
16	1.346	9	$4,550,662	$4,550,662	$3,412,997	$1,137,666	$13,651,987
17	1.373	9	$4,641,676	$4,641,676	$3,481,257	$1,160,419	$13,925,027
18	1.400	9	$4,734,509	$4,734,509	$3,550,882	$1,183,627	$14,203,527
19	1.428	9	$4,829,199	$4,829,199	$3,621,899	$1,207,300	$14,487,598
20	1.457	9	$4,925,783	$4,925,783	$3,694,337	$1,231,446	$14,777,350
Total			$62,686,228	$62,686,228	$47,014,671	$15,671,557	$188,058,684

Source: MRB

Fiscal Impact Summary

The table on the following page summarizes the fiscal impact of the Project by year, over 20 years. The local fiscal impact, including property, gross receipts and sales tax revenue apportioned to the City and School District, totals $298.1 million over 20 years. The impact to the County and State over the same time is $54.1 million and $62.7 million respectively. In total the Project will generate $414.9 million in property, gross receipts and sales tax revenue over 20 years. Note that other State revenues are not accounted for here (corporate and personal income tax, excise taxes, etc.).

Fiscal Impact Summary Table - Property, Gross Receipts and Sales Tax Revenue											
Year	City Property Tax on Improvements	Energy Use - City Sales Tax	Gross Receipts Tax	School Property Tax on Improvements	Energy Use - School Sales Tax	**City and School Subtotal**	County Property Tax on Improvements	County New Sales Tax (Operations)	**County Subtotal**	**Energy Use - State Sales Tax**	**Grand Total**
Year 1	-	-	-	-	-	**-**	-	$963,260	**$963,260**	**-**	**$963,260**
Year 2	-	-	-	-	-	**-**	-	$982,525	**$982,525**	**-**	**$982,525**
Year 3	$1,432,227	$781,736	$195,434	$721,925	$586,302	**$3,717,623**	$382,825	$1,002,176	**$1,385,001**	**$781,736**	**$5,884,359**
Year 4	$1,460,871	$797,370	$199,343	$736,363	$598,028	**$3,791,975**	$390,482	$1,022,220	**$1,412,701**	**$797,370**	**$6,002,047**
Year 5	$2,980,177	$1,626,635	$406,659	$1,502,181	$1,219,976	**$7,735,629**	$796,583	$1,042,664	**$1,839,247**	**$1,626,635**	**$11,201,511**
Year 6	$3,039,781	$1,659,168	$414,792	$1,532,225	$1,244,376	**$7,890,342**	$812,515	$1,063,517	**$1,876,032**	**$1,659,168**	**$11,425,542**
Year 7	$4,650,865	$2,538,527	$634,632	$2,344,304	$1,903,895	**$12,072,223**	$1,243,148	$1,084,788	**$2,327,935**	**$2,538,527**	**$16,938,685**
Year 8	$4,743,882	$2,589,298	$647,324	$2,391,190	$1,941,973	**$12,313,667**	$1,268,011	$1,106,483	**$2,374,494**	**$2,589,298**	**$17,277,458**
Year 9	$6,451,679	$3,521,445	$880,361	$3,252,018	$2,641,084	**$16,746,587**	$1,724,494	$1,128,613	**$2,853,107**	**$3,521,445**	**$23,121,139**
Year 10	$7,403,302	$4,040,858	$1,010,214	$3,731,691	$3,030,643	**$19,216,709**	$1,978,857	$1,151,185	**$3,130,043**	**$4,040,858**	**$26,387,609**
Year 11	$7,551,368	$4,121,675	$1,030,419	$3,806,325	$3,091,256	**$19,601,043**	$2,018,435	$1,174,209	**$3,192,643**	**$4,121,675**	**$26,915,361**
Year 12	$7,702,395	$4,204,109	$1,051,027	$3,882,451	$3,153,081	**$19,993,064**	$2,058,803	$1,197,693	**$3,256,496**	**$4,204,109**	**$27,453,669**
Year 13	$7,856,443	$4,288,191	$1,072,048	$3,960,100	$3,216,143	**$20,392,925**	$2,099,979	$1,221,647	**$3,321,626**	**$4,288,191**	**$28,002,742**
Year 14	$8,013,572	$4,373,954	$1,093,489	$4,039,302	$3,280,466	**$20,800,783**	$2,141,979	$1,246,080	**$3,388,059**	**$4,373,954**	**$28,562,797**
Year 15	$8,173,844	$4,461,434	$1,115,358	$4,120,088	$3,346,075	**$21,216,799**	$2,184,818	$1,271,001	**$3,455,820**	**$4,461,434**	**$29,134,053**
Year 16	$8,337,321	$4,550,662	$1,137,666	$4,202,490	$3,412,997	**$21,641,135**	$2,228,515	$1,296,421	**$3,524,936**	**$4,550,662**	**$29,716,734**
Year 17	$8,504,067	$4,641,676	$1,160,419	$4,286,540	$3,481,257	**$22,073,958**	$2,273,085	$1,322,350	**$3,595,435**	**$4,641,676**	**$30,311,068**
Year 18	$8,674,148	$4,734,509	$1,183,627	$4,372,271	$3,550,882	**$22,515,437**	$2,318,547	$1,348,797	**$3,667,344**	**$4,734,509**	**$30,917,290**
Year 19	$8,847,631	$4,829,199	$1,207,300	$4,459,716	$3,621,899	**$22,965,746**	$2,364,918	$1,375,773	**$3,740,691**	**$4,829,199**	**$31,535,636**
Year 20	$9,024,584	$4,925,783	$1,231,446	$4,548,910	$3,694,337	**$23,425,061**	$2,412,216	$1,403,288	**$3,815,504**	**$4,925,783**	**$32,166,348**
Total	$114,848,158	$62,686,228	$15,671,557	$57,890,090	$47,014,671	**$298,110,704**	$30,698,211	$23,404,691	**$54,102,902**	$62,686,228	**$414,899,833**

Impact on Typical Household

To put the overall fiscal impacts into perspective for the people of Niagara Falls, we translate those community-wide impacts into the impact on a typical household in the City. To represent a typical household, we are using the current average home value of a single-family home in the City as reported by Zillow, a major online realty website. According to Zillow, the average single-family home value is $150,140, which translates to an assessed value of $75,070 when applying the current assessment ratio of 50%. We compare what the owner of an average-value home would pay in property tax with and without the new revenue streams that result from the Project. To do so, we first need to calculate the ratio between the new revenues from the Project and the total property tax levy of the City and School District.

Assessed Value of Average Home	
Average Market Value	$150,140
Assessment Ratio	50%
Assessed Value	$75,070

Source: City; Zillow

As shown in the table to the right, the City's most recent property tax levy is approximately $33.4 million and the School's is $25.8 million. As with all other time-series factors in this analysis, we have inflated those levies by 2% per year. Using values from the fiscal impact summary table above, we compare each year's fiscal benefit to the City/School to its respective estimated tax levy. For example, in Year 3 the new revenues coming into the City represent 6.9% of the City's levy and 4.9% of the School District's levy.

Over 20 years, we show the Project's revenues would represent a total of 23.8% of the City's property tax levy and 16.7% of the School District's. In effect, these figures represent the portion of the City's and School District's property tax levies that could be offset by these new revenues.

New Revenues as % of City and School Tax Levies

Year	Project Benefit to the City	City Tax Levy	% of TAV	Project Benefit to School	School Levy	% of TAV
Year 1	$0	$33,391,317	0.0%	$0	$25,828,989	0.0%
Year 2	$0	$34,059,143	0.0%	$0	$26,345,569	0.0%
Year 3	$2,409,396	$34,740,326	6.9%	$1,308,226	$26,872,480	4.9%
Year 4	$2,457,584	$35,435,133	6.9%	$1,334,391	$27,409,930	4.9%
Year 5	$5,013,471	$36,143,835	13.9%	$2,722,158	$27,958,128	9.7%
Year 6	$5,113,741	$36,866,712	13.9%	$2,776,601	$28,517,291	9.7%
Year 7	$7,824,023	$37,604,046	20.8%	$4,248,199	$29,087,637	14.6%
Year 8	$7,980,504	$38,356,127	20.8%	$4,333,163	$29,669,389	14.6%
Year 9	$10,853,485	$39,123,250	27.7%	$5,893,102	$30,262,777	19.5%
Year 10	$12,454,374	$39,905,715	31.2%	$6,762,334	$30,868,033	21.9%
Year 11	$12,703,462	$40,703,829	31.2%	$6,897,581	$31,485,393	21.9%
Year 12	$12,957,531	$41,517,906	31.2%	$7,035,533	$32,115,101	21.9%
Year 13	$13,216,682	$42,348,264	31.2%	$7,176,243	$32,757,403	21.9%
Year 14	$13,481,015	$43,195,229	31.2%	$7,319,768	$33,412,551	21.9%
Year 15	$13,750,636	$44,059,133	31.2%	$7,466,163	$34,080,802	21.9%
Year 16	$14,025,648	$44,940,316	31.2%	$7,615,487	$34,762,419	21.9%
Year 17	$14,306,161	$45,839,122	31.2%	$7,767,796	$35,457,667	21.9%
Year 18	$14,592,285	$46,755,905	31.2%	$7,923,152	$36,166,820	21.9%
Year 19	$14,884,130	$47,691,023	31.2%	$8,081,615	$36,890,157	21.9%
Year 20	$15,181,813	$48,644,843	31.2%	$8,243,248	$37,627,960	21.9%
Total	$193,205,943	$811,321,174	23.8%	$104,904,761	$627,576,497	16.7%

Source: Niagara County Real Property Tax Statistics Report

Finally, we compare the amount an average-valued homeowner would pay in tax with or without the Project. As noted above, the average single-family home is valued at $75,070 for tax purposes. Such a home currently pays $1,495 to the City and $1,465 to the School District. By escalating tax rates by 2% per year, we estimate the future property tax obligations of a property owner without the projected revenues from the Project. We then apply the percentages calculated previously, the ratio of new Project revenues to the existing tax levies, to show the theoretical tax savings to the typical homeowner in the City. As shown, the typical homeowner would save a total of $14,603 in taxes over 20 years. On average, the typical homeowner would save $730 per year in property taxes.

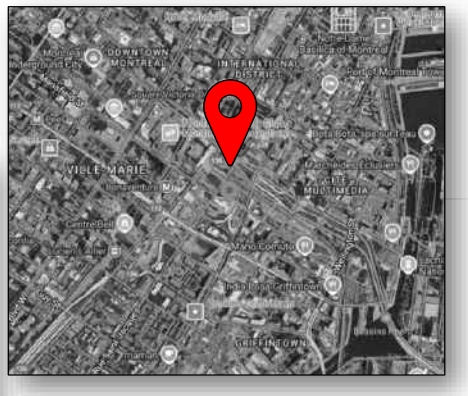
Estimated Property Tax Savings to Average Home Owner

Year	Average Assessed Value	City Tax Rate*	City Tax W/O Project	Project % of TAV	Savings on City Tax Bill	School Tax Rate	School Tax W/O Project	Project % of TAV	Savings on Tax Bill	Combined Tax Savings
Year 1	$75,070	19.921	$1,495	0.0%	$0	19.516	$1,465	0.0%	$0	$0
Year 2	$75,070	20.320	$1,525	0.0%	$0	19.906	$1,494	0.0%	$0	$0
Year 3	$75,070	20.726	$1,556	6.9%	$108	20.304	$1,524	4.9%	$74	$182
Year 4	$75,070	21.140	$1,587	6.9%	$110	20.710	$1,555	4.9%	$76	$186
Year 5	$75,070	21.563	$1,619	13.9%	$225	21.124	$1,586	9.7%	$154	$379
Year 6	$75,070	21.995	$1,651	13.9%	$229	21.547	$1,618	9.7%	$157	$387
Year 7	$75,070	22.434	$1,684	20.8%	$350	21.978	$1,650	14.6%	$241	$591
Year 8	$75,070	22.883	$1,718	20.8%	$357	22.417	$1,683	14.6%	$246	$603
Year 9	$75,070	23.341	$1,752	27.7%	$486	22.866	$1,717	19.5%	$334	$820
Year 10	$75,070	23.808	$1,787	31.2%	$558	23.323	$1,751	21.9%	$384	$941
Year 11	$75,070	24.284	$1,823	31.2%	$569	23.790	$1,786	21.9%	$391	$960
Year 12	$75,070	24.769	$1,859	31.2%	$580	24.265	$1,822	21.9%	$399	$979
Year 13	$75,070	25.265	$1,897	31.2%	$592	24.751	$1,858	21.9%	$407	$999
Year 14	$75,070	25.770	$1,935	31.2%	$604	25.246	$1,895	21.9%	$415	$1,019
Year 15	$75,070	26.286	$1,973	31.2%	$616	25.751	$1,933	21.9%	$423	$1,039
Year 16	$75,070	26.811	$2,013	31.2%	$628	26.266	$1,972	21.9%	$432	$1,060
Year 17	$75,070	27.347	$2,053	31.2%	$641	26.791	$2,011	21.9%	$441	$1,081
Year 18	$75,070	27.894	$2,094	31.2%	$654	27.327	$2,051	21.9%	$449	$1,103
Year 19	$75,070	28.452	$2,136	31.2%	$667	27.873	$2,092	21.9%	$458	$1,125
Year 20	$75,070	29.021	$2,179	31.2%	$680	28.431	$2,134	21.9%	$468	$1,148
Total			$36,336	23.8%	$8,653		$35,597		$5,950	$14,603
Average Annual			$1,817		$433		$1,780		$298	$730

Source:City; MRB *Tax rate show n above is the City's homestead tax rate.

Downtown Montréal Data Centre

Located in downtown Montreal only a half mile from the city's financial core.

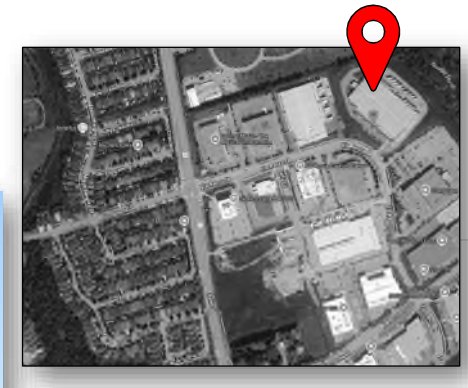


Address: 544 rue de l'Inspecteur, Montreal, Quebec, Canada
Size: 253,000 SF

ATTACHMENT F

DC1 Richmond Hill Data Centre

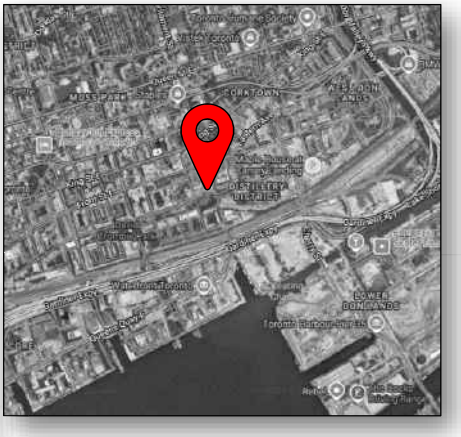
Located in an multi-use commercial park adjoining residential areas. Built using a phased approach.



Address: 80 Via Renzo Drive, L4S 0B8 Richmond Hill, Ontario, Canada
Size: 225,000 SF

Equinix Downtown Toronto Data Centre

Built using a phased approach in the heart of downtown Toronto, with a focus on preserving neighboring historic sites requiring multi-jurisdictional design review.



Address: 45 Parliament St.
Toronto, Ontario, Canada
Size: 225,000 SF

ATTACHMENT G

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Amendment to High Energy Usage District Law		
Project Location (describe, and attach a general location map): N/A; text amendment to City Zoning Ordinance		
Brief Description of Proposed Action (include purpose or need): See attached Cover Letter		
Name of Applicant/Sponsor: Eleventh Street Properties LLC	Telephone: 716-282-0001 E-Mail: rogercci@icloud.com	
Address: 800 Main Street, Suite 3D		
City/PO: Niagara Falls	State: New York	Zip Code: 14301
Project Contact (if not same as sponsor; give name and title/role): Roger Trevino	Telephone: 716-282-0001 E-Mail: rogercci@icloud.com	
Address: 800 Main Street, Suite 3D		
City/PO: Niagara Falls	State: New York	Zip Code: 14301
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑Yes ☐No	City Council approval of proposed amendments to ordinance	Pending
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board for recommendation	Pending
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No		
d. Other local agencies ☐Yes ☑No		
e. County agencies ☑Yes ☐No	Niagara County Planning Board 239-m review for recommendation	Post- PB recommendation
f. Regional agencies ☑Yes ☐No	NFTA for recommendation	Post- PB recommendation
g. State agencies ☐Yes ☑No		
h. Federal agencies ☑Yes ☐No	Niagara Falls Air Reserve Station for recommendation	Post- PB recommendation

i. Coastal Resources.
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☑Yes ☐No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes ☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes ☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part I

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes ☐No

If Yes, identify the plan(s):
Remediaton Sites:932078, Remediaton Sites:932097, Remediaton Sites:932019A, Remediaton Sites:932047, Remediaton Sites:932046, Remediaton Sites:B00107, Remediaton Sites:932022, Remediaton Sites:932031, Remediaton Sites:932013, Remediaton Sites:932096, Remediaton Sites:B00022, Remediaton Sites:932020, Remediaton Sites:932040, Remediaton Sites:932051B, Remediaton Sites:932063, Remediaton Sites:932...

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☑Yes ☐No

If Yes, identify the plan(s):
Niagara County has an Agricultural and Farmland Protection Plan. However, most of the City is located outside of the area identified as containing important agricultural soils.

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The City of Niagara Falls has 27 zoning districts. Per the proposed amendment to the zoning ordinance, the high energy usage overlay will apply to any site approved by the City Council.

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? An overlay zoning district will be superimposed on sites approved by the City Council.

C.4. Existing community services.

a. In what school district is the project site located? Niagara Falls City School District

b. What police or other public protection forces serve the project site?
City of Niagara Falls Police Department and Niagara County Sheriff's Department

c. Which fire protection and emergency medical services serve the project site?
City of Niagara Falls Fire Department and Niagara County Emergency Services Coordinator

d. What parks serve the project site?
Niagara Falls State Park, Hyde Park, Whirlpool State Park, Great Gorge Railway Park, Niagara Falls Firefighter Memorial Park, Liberty Park, Schoellkopf Park, Gill Creek Park, 28th St Park, D' Amelio Park, DeVeaux Woods State Park, LaSalle Waterfront Park, Griffon Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? ☐Yes ☐No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☐No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☐No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐Yes ☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No
If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐Yes ☐No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☐No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☐No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes ☐No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: N/A gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes ☐No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☐No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
Not applicable.

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:
- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:
- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐Yes ☐No

If yes:

i. Provide details including sources, time of day and duration:

_____

_____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐Yes ☐No

Describe: _____

_____

n. Will the proposed action have outdoor lighting? ☐Yes ☐No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐Yes ☐No

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐Yes ☐No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐Yes ☐No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐Yes ☐No

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

ii. Will the proposed action use Integrated Pest Management Practices? ☐Yes ☐No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐Yes ☐No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

_____

- Operation: _____

_____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

_____

- Operation: _____

_____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☐No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☐No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☐No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☐No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☐No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☑Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☑Yes ☐No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☑ Yes – Environmental Site Remediation database — Provide DEC ID number(s): 932078, 932097, 932019A, 93...

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

Not applicable.

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☑Yes ☐No

If yes, provide DEC ID number(s): 932078, 932097, 932019A, 932021, 932047, 932046...

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☑ Yes ☐ No
If Yes, describe: Niagara Falls State Park, Whirlpool State Park - Niagara Falls

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 837-10, 837-16, 837-6, 837-7, 837-17, 837-11, 8... Classification C, B
- Lakes or Ponds: Name 837-1 Classification A-S
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☑ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired:
Name - Pollutants - Uses:Hyde Park Lake - Total Phosphorus, Name - Pollutants - Uses:Cayuga Creek and minor tribs - Dioxin, Nam...

i. Is the project site in a designated Floodway? ☑ Yes ☐ No

j. Is the project site in the 100-year Floodplain? ☑ Yes ☐ No

k. Is the project site in the 500-year Floodplain? ☑ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
Not applicable.

n. Does the project site contain a designated significant natural community? ☑ Yes ☐ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation):
Silver Maple-Ash Swamp, Calcareous Cliff Community, Calcareous Talus Slope Woodland, Deep Emergent Marsh

ii. Source(s) of description or evaluation:

iii. Extent of community/habitat:

- Currently: 290.7, 29.33, 130.55, 144.0 acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑ Yes ☐ No

If Yes:

i. Species and listing (endangered or threatened):
Elk Sedge, Southern Blue Flag, Sky-blue Aster, Linear-leaved Loosestrife, Smooth Cliffbrake, Few-headed Blazing Star, Smaller F...

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☑ Yes ☐ No

If Yes:

i. Species and listing:
Whorled Milkweed, Black Redhorse

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No

If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☑ No

If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No

i. If Yes: acreage(s) on project site?

ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name:

ii. Basis for designation:

iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: Eligible property:Niagara Gorge Access Trail, Eligible property:Whirlpool State Park Pavilion, Eligible property:Lust...

iii. Brief description of attributes on which listing is based:

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☑ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes:

i. Describe possible resource(s):

ii. Basis for identification:

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No

If Yes:

i. Identify resource:

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.):

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation:

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name ROGER TREVINO Date 5.14.25

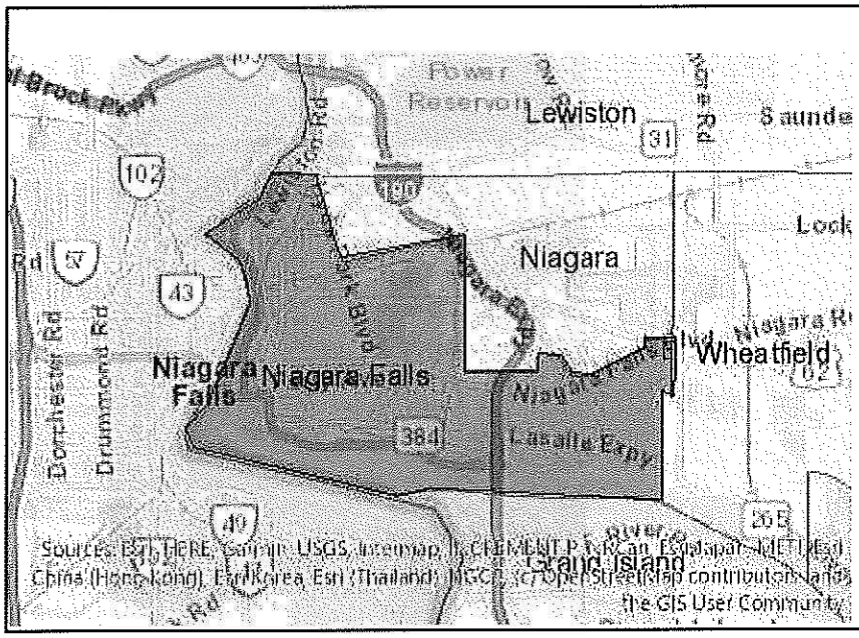
Exec. V. P. Niagara Falls Redevelopment, LLC

Signature _____ Title Exec. V. P.

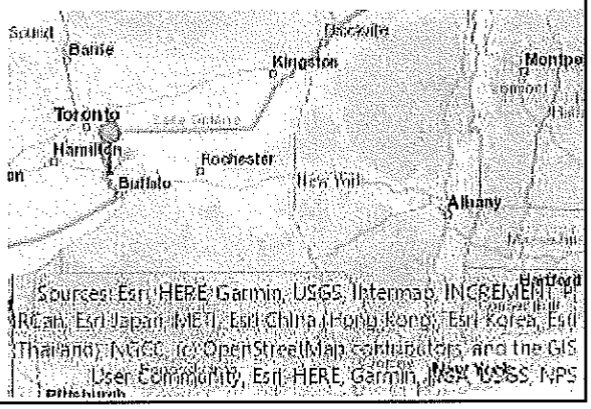
PRINT FORM

EAF Mapper Summary Report

Monday, May 5, 2025 12:27 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediaton Sites:932078, Remediaton Sites:932097, Remediaton Sites:932019A, Remediaton Sites:932047, Remediaton Sites:932046, Remediaton Sites:B00107, Remediaton Sites:932022, Remediaton Sites:932031, Remediaton Sites:932013, Remediaton Sites:932096, Remediaton Sites:B00022, Remediaton Sites:932020, Remediaton Sites:932040, Remediaton Sites:932051B, Remediaton Sites:932063, Remediaton Sites:932042, Remediaton Sites:V00655, Remediaton Sites:932002, Remediaton Sites:932028, Remediaton Sites:932080A, Remediaton Sites:932037, Remediaton Sites:932048A, Remediaton Sites:932104, Remediaton Sites:932004, Remediaton Sites:932051A, Remediaton Sites:C932143, Remediaton Sites:B00108, Remediaton Sites:V00373, Remediaton Sites:932147, Remediaton Sites:932123, Remediaton Sites:C932146, Remediaton Sites:932158, Remediaton Sites:932131, Remediaton Sites:C932160, Remediaton Sites:C932162, Remediaton Sites:C932159, Remediaton Sites:C932167, Remediaton Sites:932166, Remediaton Sites:C932133, Remediaton Sites:C932126, Remediaton Sites:C932150, Remediaton Sites:932050, Remediaton Sites:C932145, Remediaton Sites:C932134, Remediaton Sites:932110, Remediaton Sites:C932157, Remediaton Sites:C932164, Remediaton Sites:C932170, Remediaton Sites:C932172, Remediaton Sites:C932179, Remediaton Sites:C932178, Remediaton Sites:C932180, Remediaton Sites:C932182, Remediaton Sites:C932183, Remediaton Sites:C932169, Remediaton Sites:932169, Remediaton Sites:932136, NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes

E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	932078, 932097, 932019A, 932047, 932046, B00107, 932022, 932031, 932013, 932096, B00022, 932020, 932040, 932051B, 932063, 932042, V00655, 932002, 932028, 932080A, 932037, 932048A, 932104, 932004, 932051A, C932143, B00108, V00373, 932147, 932123, C932146, 932158, 932131, C932160, C932162, C932159, C932167, 932166, C932133, C932126, C932150, 932050, C932145, C932134, 932110, C932157, C932164, C932170, C932172, C932179, C932178, C932180, C932182, C932183, C932169, 932136
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	932078, 932097, 932019A, 932021, 932047, 932046, B00107, 932022, 932031, 932036, 932013, 932001, 932096, 932103, B00022, 932020, 932040, 932051B, 932063, 932035, 932042, V00655, 932002, 932027, 932028, 932080A, 932037, 932048A, 932104, 932004, 932051A, C932143, B00108, E932135, V00373, 932147, 932123, C932146, 932001C, 932158, 932152, 932131, 932055, C932160, C932162, C932159, C932167, 932166, C932133, C932126, C932150, C932127, 932050, C932145, C932134, 932001B, 932110, C932157, C932164, C932170, C932172, C932175, C932179, C932178, C932180, C932182, C932183, C932169, 932136
E.2.g [Unique Geologic Features]	Yes
E.2.g [Unique Geologic Features]	Niagara Falls State Park, Whirlpool State Park - Niagara Falls
E.2.h.i [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.ii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-10, 837-16, 837-6, 837-7, 837-17, 837-11, 837-8, 837-13, 837-14, 837-9
E.2.h.iv [Surface Water Features - Stream Classification]	C, B
E.2.h.iv [Surface Water Features - Lake/Pond Name]	837-1
E.2.h.iv [Surface Water Features - Lake/Pond Classification]	A-S
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Hyde Park Lake - Total Phosphorus, Name - Pollutants - Uses:Cayuga Creek and minor tribs - Dioxin, Name - Pollutants - Uses:Bergholtz Creek and tribs - Fecal Coliforms;Total Phosphorus, Name - Pollutants - Uses:Niagara River, Upper, Main Stem - Pesticides;PAHs;PCBs;Org.Chlor.Pest/HCB, Lower, Main Stem - Pesticides;Org.Chlor.Pest/HCB;Iron;Dioxin;phenolic_compounds;Mirex;PCBs; Total Phenols;PAHs
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No

E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Silver Maple-Ash Swamp, Calcareous Cliff Community, Calcareous Talus Slope Woodland, Deep Emergent Marsh
E.2.n.i [Natural Communities - Acres]	290.7, 29.33, 130.55, 144.0
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Elk Sedge, Southern Blue Flag, Sky-blue Aster, Linear-leaved Loosestrife, Smooth Cliffbrake, Few-headed Blazing Star, Smaller Fringed Gentian, White Death Camas, Basilbalm, Red Pondweed, Puttyroot, Pied-billed Grebe, Peregrine Falcon, Common Tern, Short-eared Owl, Northern Harrier
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Whorled Milkweed, Black Redhorse
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Niagara Gorge Access Trail, Eligible property:Whirlpool State Park Pavilion, Eligible property:Lustron House, Eligible property:Lasalle branch, Niagara Falls Public Library, Eligible property:OLD STONE CHIMNEY, Eligible property:ZIPP RES, Eligible property:NORTH JUNIOR HIGH SCHOOL, Eligible property:Demolished, Eligible property:FIRST GOVERNMENT HOUSING PROJECT, Eligible property:Devil's Hole State Park, Eligible property:STONE FENCE PIERS (DEVIL'S HOLE), Eligible property:SAINT MARY'S OF THE CATARACT, Eligible property:Restroom Building, Eligible property:Miscellaneous Historic Stonework, Eligible property:SANDERS RES, Eligible property:Maintenance Building, Eligible property:St. George Syrian-Greek Orthodox Church/Full Gospel Deliverance Center, Eligible property:Ferry Avenue Public School/Presti Apartments, Eligible property:The Turtle (Native American Center for the Living Arts), Eligible property:Spallino Towers, Eligible property:National Carbon: Lab 1, Eligible property:Niagara Hudson Building, Eligible property:National Carbon: Lab 3, Eligible property:Niagara County Building/ Angelo A. Delsignore Civic Building, Eligible property:National Carbon: Lab 2, Eligible property:Aquarium of Niagara, Eligible property:Queen Anne Residence at 811 Lincoln Place, Eligible property:BIN 5045752 North Grand Island Bridge - Northbound (1935), Eligible property:BIN 5045751 North Grand Island Bridge - Southbound (1963), Eligible property:William H. Cookman House, Eligible property:Antonio Colucci House, Eligible property:J. Frederick Neff House/ Chapel Inn, Eligible property:Frank G. Koelle House, Eligible property:George H. Anthony House, Eligible property:John Rutkowski Building, Eligible property:Arthur Buzzelli House, Eligible property:William C. Jenks House, Eligible property:Gathold Walck House, Eligible property:Red Coach Inn, Eligible property:Harris Lymberg House/ Hanover House B&B, Eligible property:Apartment of Mr. Simon Hirsch, Eligible property:Power City Bank (Marine Midland), 1922, 1931, Eligible property:Mrs. Charles T. Collins House, Eligible property:George W. Rae House, Eligible property:Henry Tucker House, Eligible property:Old Niagara County Savings Bank, Eligible property:James Robertson House, Eligible property:Dr. William H. Hodge House, Eligible property:Frederock J. Coe House, Eligible property:Ted McKenna House, Eligible property:Saint John's Church Parsonage, Eligible property:Moses D. Feigensohn House, Eligible property:J. Falcone House, Eligible property:Temple Beth El, Eligible property:W. Acheson Smith House, Eligible property:Thomas Smith House (Fronts on Twelfth St), Eligible property:Theodore Grana House, Eligible property:B. Kindzia House, Eligible property:Mrs. Catherine O'Donnell House, Eligible property:Albert E. Hallett House, Eligible property:Private Residence-1930, Eligible property:223 Ferry Avenue: Commercial Building, Eligible property:James Mullane Garage, Eligible property:Rocco Spendio House,

Eligible property:Josephine Battaglia House, Eligible property:A.M. Haroney House, Eligible property:Hennepin Apartments, Eligible property:James J. Mahoney House, Eligible property:Mrs. I.P. Church House, Eligible property:Temple Beth Israel/ Seventh Day Adventist Church, Eligible property:Telephone Exchange Building, Eligible property:John W. Ripple House, Eligible property:Mrs. Helen Butynski House, Eligible property:Evelyn Apartments, Eligible property:CUSTO RES, Eligible property:SAINT PETERS EPISCOPAL CHURCH, Eligible property:DAVY HOME, Eligible property:SAINT MARY'S ROMAN CATHOLIC CEMETERY, Eligible property:Private Residence c.1900, Eligible property:Maple Avenue Elementary School, Eligible property:WHIRLPOOL RAPIDS BRIDGE, Eligible property:US CUSTOMS AND IMMIGRATION, Eligible property:RAINBOW BRIDGE, Eligible property:Mrs. Helen V. Rose House, Eligible property:Stone Wall (east side of Park Pl and Pine Ave), Eligible property:The Rochester Apartments, Eligible property:Acheson Graphite Company - Gredag Plant and Office Building, Eligible property:Mrs. Frank Marra House, Eligible property:Nigro Building, Eligible property:Former Theater-1934, Eligible property:31 A Street, Eligible property:Hotel Mayle/ Park Place Apartments, Eligible property:Hyde Park Elementary School, Eligible property:John Pulvino House, Eligible property:SHREDDED WHEAT/NABISCO GRAIN ELEVATOR, Eligible property:Frank Meyers House, Eligible property:Joseph Domigiani, Eligible property:Apartment of Mr. Nathan Hirsch, Eligible property:Antonio Grimaldi House, Eligible property:John C. Jenny House, Eligible property:Domenic Falcone House, Eligible property:John W. Crick House, Eligible property:Residence, Eligible property:Theodore McVittica House, Eligible property:LaSalle Preparatory School, Eligible property:Gaskill Middle School, Eligible property:Second Street Bridge, Eligible property:Niagra Searchlight Co. Building, Eligible property:former Michigan Central Railway Bridge (current Canadian Pacific Railway Bridge) BIN 7090240, Eligible property:Residential-1902, Eligible property:Carlo Falcone House, Eligible property:D.H. Cameron House, Eligible property:Mrs. Harry B. Wright House, Eligible property:Our Lady of Lebanon School, Eligible property:Our Lady of Lebanon Roman Catholic Church, Eligible property:John Palumbo House, Eligible property:New York Telephone Co. Exchange Building, Eligible property:Joseph J. Mechan House, Eligible property:Board of Education Administration Annex, Eligible property:St. Paul's United Methodist Church, Eligible property:A. M. Walsh House, Eligible property:449 10th, Eligible property:Frank J. Fisher House, Eligible property:Charles Lo Tempio House, Eligible property:Henry C. Adams House, Eligible property:F.W. Oliver House, Eligible property:W.S. Johnson House, Eligible property:The Osborn, Eligible property:St. Staphis Armenian Church, Eligible property:Two family residential structure, Eligible property:Carborundum Building, Eligible property:Peter Pinizetti House, Eligible property:Dominic DeLeo House, Eligible property:Richard Crick House, Eligible property:451 5th Street, Eligible property:The Eleanor, Eligible property:E.B. Whitney House (Original Whitney Mansion Barn), Eligible property:Rudolph V. Rose House, Eligible property:Reginald F. Meek House, Eligible property:Augustus Thibaudeau House, Eligible property:Lammerts Auto Works (first Cadillac dealership), Eligible property:Mrs. T. Toomey House, Eligible property:Hose Company No. 4/ Tenth Street Fire Hall, Eligible property:Daniel W. Schwartz House, Eligible property:Niagra Falls Home Telephone Co. Building, Eligible property:493 23rd Street Duplex, Eligible property:Mr. Allen House, Eligible property:Elizabeth Murphy House, Eligible property:Bert R. Blackmarr House, Eligible property:Angelo Soluri House, Eligible property:723 Augustus Place, Eligible property:Twenty-Fourth Street School (Community Eduational Center), Eligible property:Former Telephone Exchange Building, Eligible property:Nick Nolfe House, Eligible property:George Donahue House, Eligible property:Adolph Cecula House, Eligible property:Dr. H.J. Kwapis Office, Eligible property:Former Niagara Candy Co. - Former Moore Business Forms Bld., Eligible property:O. Olsen House, Eligible property:Joseph Dabrowski House, Eligible property:Simon Hirsch House, Eligible property:St. Hagop Armenian Apolistic Church and Community Center, Eligible property:S.W. Bearce House, Eligible property:Saint John's African Methodist Episcopal Church, Eligible

	property:Edgar Arison House, Eligible property:Alfred W. Gray House, Eligible property:Wendt's Dairy, Eligible property:Landscape/Hardscape Elements, Eligible property:Stone Retaining Wall, Eligible property:Concrete "13" Marker, Eligible property:Park Entrance Sign, Eligible property:Niagara Scenic Parkway, Eligible property:Stone Trail Posts, Eligible property:Duck Island Gazebo, Eligible property:Picnic Pavilion, Eligible property:3-Bay Garage, Eligible property:Superintendent's Residence, Eligible property:Niagara Scenic Parkway Retaining Wall, Eligible property:Firehouse No. 3, Eligible property:Automobile Garage/Superintendent's House, Eligible property:Playground, Eligible property:Indoor Substation, Eligible property:3924 McKoon Avenue, Williams, Johann, Farm, Niagara Reservation, United States Post Office-Niagara Falls, U.S. Customhouse, Whitney Mansion, Adams Power Plant Transformer House, Holley-Rankine House, Deveaux School Historic District, Niagara Falls Armory, Niagara Falls City Hall, Former Niagara Falls High School, St. Mary's Nurses' Residence, James G. Marshall House, Jefferson Apartment Building, United Office Building, First Unitarian Universalist Church of Niagara, The Niagara, Holy Trinity Roman Catholic Church Complex, Chilton Avenue- Orchard Parkway Historic District, Park Place Historic District, Hazard Sheldon House, First Presbyterian Manse (Lavinia E. Porter House), Schoellkopf Power Station 3 Site, First Presbyterian Church, Oakwood Cemetery, Niagara Falls Schools Administration Building, Mount St. Mary's Hospital, South Junior High School, Niagara Power Project Historic District, Seippel Bakery and Richard Apartments, Buildings at Niagara and Seventh Streets, Sacred Heart Roman Catholic Church Complex, Main Street Historic District, Hall Apartments, The Sagamore Apartment and Shops, Buildings on Niagara Street at Fourth Street, Schoellkopf Hall, Tatler Club
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No