

Copy of email from Gary Ciruczak to Uli MacDonald regarding the report he gave at the September 10, 2025 meeting of the Buffalo Ornithological Society.

Subject: Update on STAMP lawsuit

Hi Uli,

Nice to see you and everyone else last night.

Here's the text from my update in case you need it for the minutes.

Thanks,

Gary

The Sierra Club Niagara Group would like to thank the BOS, and all of its members, for its generous contribution to the funding necessary for the lawsuit I will tell you about now.

On July 1, The Sierra Club and the Tonawanda Seneca Nation, at the initiation of the Sierra Club Niagara Group (our local Sierra Club chapter), local environmental activists, and members of the Tonawanda Seneca Nation, filed suit in the NYS Supreme Court against the Genesee County Economic Development Center (GCEDC), Stream U.S. Data Centers, and the Alabama Town Board seeking to halt the development of a massive data center at a tech park in Genesee County run by GCEDC called STAMP.

The data center project, by far the largest in the region, would cover 900,000 square feet (about 10 times the size of the Kohl's store in Buffalo) and use 250 megawatts of power, an amount that could provide power to 75,000 to 125,000 homes. Data centers of this scale are largely used for artificial intelligence.

The project was expected to cost \$6.3 billion and it got \$471.6 million in sales and mortgage tax exemptions, according to proposal documents. It would create roughly 122 full-time jobs, or at a cost of about \$3.9 million in NYS tax incentives per job.

To fast track the development of a data center and jump start the stalled STAMP Site, the GCEDC resorted to taking shortcuts around the very environmental review standards (called "Generic Environmental Impact Statements," or GEIS, and SEQRA, or [State Environmental Quality Review Act](#)) and procedures that it originally established to protect the sensitive cultural and environmental resources surrounding the STAMP Site."

In essence there were two parts to the lawsuit, the first was a procedural claim under Article 78 to challenge and appeal of the GCEDC's approval of a Consistency Determination for Stream Data's plans. An "Article 78" is a legal action in New York State where someone can challenge a final decision made by a state agency or government official, essentially appealing the decision to the New

York State Supreme Court as being arbitrary, capricious, or made without sufficient evidence, according to a strict timeline.

The second action asked for a ruling that future SEQRA decisions have to be made according to the GEIS (and SEQRA law) based on a completed site plan and with the Town Board's involvement.

Result: GCEDC rescinded their approval of the proposal, making the first action moot, and it is expected to be dismissed. **Let's consider this a victory.**

Sierra Club Niagara Group is now considering how to pursue the second cause of action to obtain a ruling that GCEDC follows its own rules in the future about the Generic EIS, which is governed by NYS SEQRA laws.

We have raised and spent about \$34,000 to date and we will have to raise about another \$5,000 for this second part of the lawsuit.

And, since we filed the lawsuit, Stream Data was purchased by Apollo Global Management, a major player in the US Data Center business. Apollo said they intend to pursue a much larger, 650 MW project, maybe by the end of the year, in this same location.

What happens after that is unknown.