S. Ranalli, Agent, Special Use Permit for the Outer Harbor Review Area to Create a Bike Path in a D-OG and N-1S Zone, Erect a Story Frame Ticket Booth and Restore Existing Area(South) (Hrg 1/16/18)

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY PLANNING BOARD
NOTICE OF COMPLETE APPLICATION

THIS IS TO ACKNOWLEDGE THAT I HAVE BEEN INFORMED AS TO THE TIME AND PLACE FOR THE PUBLIC HEARING REGARDING:

901 Fuhrmann

To be held in the Council Chamber, 13th Floor, City Hall On:

1-16-18 At 2:00 pm

*PLANNING BOARD MEETING WILL BE AT 4:00 pm Room 901 ON 1-16-18

*FAILURE TO APPEAR BEFORE THE PLANNING BOARD AND THE COMMON COUNCIL WILL DELAY YOUR PROJECT

Phone number for Planning Board 851-5085

I am also informed that this is the only notice that the petitioner and/or owner will receive, and that if I am not the owner or petitioner, I will inform said owner, petitioner or his/her agent of the above.

Signed ______________ (Agent/Owner)

Print Name Steve Ranaelli Phone # 846 8241

Date 12-19-17

ATTENTION

CONTACT THE COUNCILMEMBER IN YOUR DISTRICT

IF APPROVED AT THE COMMITTEE MEETING THE ITEM WILL BE REFERRED TO THE FULL COUNCIL ON 1-23-18

IF APPROVED AT THE FULL COUNCIL MEETING THE ITEM WILL GO TO THE MAYOR FOR APPROVAL

THE MAYOR HAS UNTIL 2-5-18 TO RETURN THE ITEM TO THE CITY CLERK’S OFFICE
City of Buffalo  
65 Niagara Square  
Buffalo, NY 14202  
(716) 851-4949  Fax (716) 851-5472  

Report Date 12/19/2017  

GC Permit Application  

A/P # GC17-9444827  

Application Information  

Processed 12/19/2017 2:13:13PM By dkrug  

Issued  
Final  

Type of Work OTHER  

Priority  

# Plans 0  

# Pages 0  

Declared Valuation $3,500,000.00  

Calculated Valuation $7,765,620.00  

Actual Valuation $10,320.00  

Description of Work  

SPECIAL USE PERMIT REQUIRED FOR THE OUTER HARBOR REVIEW AREA. PROPERTY HAS A SPLIT ZONE OF D-0G AND N-1S. CREATE A BIKE PARK / EVENTS LAWN AREA / TRAIL SYSTEM IN THE OUTER HARBOR. ERECT A STORY FRAME TICKET BOOTH AND RESTRIPE EXISTING PARKING AREA. PLANS REQ.  

Property Information  

Address 901 FUHRMANN  
BUFFALO, NY 14201  

SBL 1221700001001000  

Location  

Applicants  

Contact ID 11860414  
Primary N  
Name NIAGARA FRONTIER TRANSPORTATI  

Mailing Address 181 ELLICOTT ST  
BUFFALO, NY 14203  

Day Phone  

Contact ID 11966427  
Primary Y  
Name TO BE BID  

Mailing Address 301 CITY HALL  
BUFFALO, NY 14202  

Day Phone (716) 851-4924  

Fees  

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Plan Reviews  


### Building Permits

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### Prior Approvals

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<td>City Wide</td>
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Special Use Permit Application to the Common Council  
City of Buffalo, New York

Type of Request

[X] Expansion of existing/current use
☐ Changing the use to a different use
☐ New Use: Adding a new use and keeping existing/current use
☐ Change of ownership or business name

Applicant Information

Property Owner Name(s): ERIE CANAL HARBOR DEVELOPMENT CORPORATION  
Phone Number: 846-8241 Email: steven.canalli@esd.ny.gov  
Address: 95 PERRY ST., SUITE 500 City: BUFFALO State: NY Zip: 14203

Applicant Name(s): ERIE CANAL HARBOR DEVELOPMENT CORPORATION

Phone Number: __________________________ Email: __________________________
Address: __________________________ City: __________ State: ______ Zip: ______

Contractor Name(s): TED

Phone Number: __________________________ Email: __________________________
Address: __________________________ City: __________ State: ______ Zip: ______

Property Information

Assessed Address: 901 FURHANN MANN BOULEVARD
Area of Parcel (square feet): 4,617,360 Acres: 106
Zone: D-00, N-25 Zone Overlay (if applicable): C-W WATERFRONT
Current Use: VACANT OPEN SPACE AND INDUSTRIAL
Historic District/Property (within or adjacent): NO
Council District: SOUTH

Revised April 10, 2017
Special Use Permit Application to the Common Council
City of Buffalo, New York

Special Use Request

Current use(s): VACANT OPEN SPACE/INDUSTRIAL
Proposed use(s): PASSIVE/ACTIVE OPEN SPACE, RESOURCE PROTECTION

Justification (attach additional information if necessary):

SEE ATTACHED

Project Description

Detail hours of operation: DAWN UNTIL DUSK

List/describe adjacent uses: SURFACE PENG LOT AND VACANT STRUCTURES, BELL SHIP AND PENG LOT, LAKE ERIE

Describe any sound, odor, vibration, light, or other potential disrupting operations of the use and provide hours of the day and days of the week which they would occur:

SEE ATTACHED

Describe any public benefit of the use:

SEE ATTACHED

Describe community engagement that has taken place (not including public hearing):

SEE ATTACHED

Will any permanent features of the building be removed? ☒ Yes ☐ No
If yes, describe:

Attach additional information for this section if necessary. SEE ATTACHED

Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): STEVEN P. RANALLI Date: 12/22/17

Property owner or applicant signature: [Signature]
Special Use Request (Page 4 of the Application)

Current Use(s): The property currently includes a paved parking area/entrance driveway to 901 Fuhrmann Boulevard (Terminals A & B) and a section of the Greenway Nature Trail within the Waterfront Yard. The Greenway Nature Trail is located within an environmental easement. The remainder of the property is vacant land.

Propose Use(s): The existing parking area will be restriped and driveway access will be maintained to 901 Fuhrmann Boulevard. The southern end of the Greenway Nature Trail will be extended with 0.76 miles of paved multi-use pathway and “completed” with a connection to Fuhrmann Boulevard. Additional site improvements will allow for passive and active open space, natural resource protection and enhancement, and increased public use.

Justification: Per C-W Waterfront, Section 5.3.3.C, this Application is located within the Outer Harbor Review Area. Any proposed use with this Area may be permitted only with a special use permit, subject to the following additional criteria:

a. The proposed use will incorporate opportunities for visual and physical access to the waterfront for site users and the public.

   Raised embankments will act as overlooks and allow views of the Outer Harbor, breakwall and Lake Erie. Extension of the Greenway Trail will enhance physical access to the waterfront.

b. The proposed use will conserve environmentally sensitive and naturalized areas.

   Invasive species treatment will be followed by habitat enhancements, including lawn, meadow and pollinator fields. New trees and shrubs will be planted within deer fenced areas to increase the habitat for nesting and migrating fowl, provide a more diversified seed bed, and connect existing naturalized areas with the recent improvements made at Bell Slip.

c. The proposed use will not cause a decrease in vitality or an increase in vacancy in established employment within the City of Buffalo.

   The open space improvements will not cause a decrease in vitality or an increase in vacancy in established employment within the City of Buffalo but will improve the quality of life for residents and employees within the City of Buffalo, as well as Western New York.

d. The proposed use will provide for an efficient use of land that responds to the existing infrastructure, utilities and service conditions in order to minimize the demand for additional municipal services, utilities, and infrastructure.

   The existing parking area/entrance driveway will be restriped and existing utility and service conditions will not increase demand.
Project Description (Page 4 of the Application)

Detail hours of operation: Dawn until Dusk.

List/describe adjacent uses: Surface parking lot and vacant structures (Terminals A & B) to the south, Bell Slip inlet and existing parking lot to the north, Fuhrmann Boulevard and NYS Route 5 to the east, and Lake Erie to the west.

Describe any sound, odor, vibration, light or other potential disrupting operations of the use and provide hours of the day and days of the week which they would occur: Typical passive and active open space sounds, odors, vibrations and light are expected.

Describe and public benefit of the use: Public benefits include visual and physical access to the waterfront, conserved naturalized areas, quality of life improvements, and no increased demand for additional municipal services, utilities, or infrastructure.

Describe community engagement that has taken place (not including public hearing):

- May 12, 2015 – Erie Canal Harbor Development Corporation (ECHDC) holds stakeholder meeting with various groups to determine list of “Lighter, Quicker, Cheaper” projects for the Outer Harbor.
- June 25, 2015 – ECHDC holds a second stakeholder meeting with various groups to determine list of “Lighter, Quicker, Cheaper” projects for the Outer Harbor.
- September 2015 – ECHDC Directors accept Blueprint Master Plan for Outer Harbor, including “First Phase: Short Term Investments” which are the LQC projects developed by the stakeholders.
- November 9, 2015 - ECHDC Directors adopted a General Project Plan for the Project, authorized the holding of a Public Hearing under Section 16 of the UDC Act, and made a Determination of No Significant Effect on the Environment. Public board meeting and extensive press coverage.
- November 24, 2015 – ECHDC held Public Hearing
- September 12, 2016 – ECHDC Directors Authorized a Consultant Agreement for Architectural and Engineering Services for the Project
- Consultant/Design Phase Community Engagement:
  - January 12, 2017 – Outer Harbor Management Group (OHMG), Griffis Sculpture Park, Western New York Mountain Bike Association (WNYMBA), Our Outer Harbor (OOH) representing the Western New York Environmental Alliance, Preservation Buffalo Niagara, Grow WNY, League of Women Voters, Pollinator Conservation Association, Sierra Club Niagara Group, WNY Trout Unlimited, and Wellness Institute of Greater Buffalo, Army Corps of Engineers and Erie County Department of Planning with Fishing Advisory Board members
  - May 23, 2017 –Buffalo Lighthouse Association, Campaign for a Greater Buffalo, Buffalo Niagara Waterkeeper, WNYMBA, OOH, and OHMG
- August 16, 2017 – Tifft Nature Preserve
- September 13, 2017 – Congressman Higgins staff, Assemblyman Sean Ryan, Buffalo Niagara Waterkeeper, Campaign for a Greater Buffalo, WNYMBA
- December 14, 2017 – Buffalo Niagara Waterkeeper, Friends of the 21st Century Park
- December 19, 2017 – Our Outer Harbor

**Will any permanent features of the building be removed?**

[ ] Yes  [X] No

**If yes, describe:** No existing buildings on the site.
Required Submittals

1. Photo of the Site showing the use relevant to the request for a Special Use Permit
   a. Site Aerial
   b. Site Photographs
Required Submittals

3. Architectural Elevations (NOT APPLICABLE)
Required Submittals

4. Type of Use: Open Space (TABLE NOT APPLICABLE)
Required Submittals

5. Any Additional relevant material

   b. Response to Notice of Lead Agency Designation, City of Buffalo
FOR FURTHER INFORMATION:

Contact Person:  Steven Ranalli, P.E., AICP
Senior Project Manager
Erie Canal Harbor Development Corporation

95 Perry Street
Buffalo, NY 14202
(716) 846-8200
Steven.Ranalli@esd.ny.gov

A Full Environmental Assessment Form, a NYS Coastal Assessment Form, supporting
documentation, and a copy of this notice have been sent to:

- City of Buffalo Common Council (c/o City Clerk);
- City of Buffalo Planning Board;
- City of Buffalo Preservation Board;
- City of Buffalo Department of Permit & Inspection Services;
- City of Buffalo Office of Strategic Planning;
- City of Buffalo Department of Public Works, Streets and Parks;
- Buffalo Fiscal Stability Authority;
- Erie County Legislature;
- Erie County Department of Planning & Environment;
- Niagara Frontier Transportation Authority, Executive Director;
- New York State Department of Environmental Conservation, Region 9 Director;
- New York State Department of Environmental Conservation, Region 9 Permits Administrator;
- New York State Department of Transportation, Region 5 Director;
- New York State Office of Parks, Recreation, and Historic Preservation, Western District Director;
- New York State Office of Parks, Recreation, and Historic Preservation – State Historic Preservation Office;
- Empire State Development, Design & Construction Department, Environmental Planning Division;
- New York State Department of State, Division of Coastal Resources;
- U.S. Army Corps of Engineers (for informational purposes only); and
- U.S. Coast Guard – Buffalo Complex (for informational purposes only).
November 25, 2015

State Environmental Quality Review

Negative Declaration
Notice of Determination of No Significant Effect on the Environment

ERIE CANAL HARBOR DEVELOPMENT CORPORATION
A Subsidiary of the New York State Urban Development Corporation
d/b/a Empire State Development

Buffalo Outer Harbor Access & Activation Civic Project
175, 225, 235, 275, 461, 525, 575, 901 Fuhrmann Boulevard and
the Times Beach Nature Preserve
Buffalo, Erie County, New York

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law.

The Erie Canal Harbor Development Corporation ("ECHDC"), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development ("ESD"), as lead agency, has determined that the Buffalo Outer Harbor Access & Activation Civic Project (the "Project" or the "Proposed Action") described below will not have a significant adverse effect on the environment.

ECHDC has classified the Proposed Action as a Type I Action under the New York State Environmental Quality Review Act ("SEQRA").

DESCRIPTION AND LOCATION OF ACTION:

Background

ECHDC is tasked with revitalizing and restoring economic growth to Buffalo's waterfront. It is proposing to acquire additional property and make public investments on the Lake Erie waterfront in the City of Buffalo to realize a series of near-term and relatively low-disturbance improvements to enhance access and facilitate greater public use and enjoyment of the waterfront.

The Project site is composed of eight City lots of record, known as 175, 225, 235, 275, 461, 525, 575, and 901 Fuhrmann Boulevard and the Times Beach Nature Preserve at 69 Fuhrmann Boulevard. The first two of these lots, 175 and 225 Fuhrmann Boulevard, were previously acquired and improved by ECHDC and are now known as "Wilkeson Pointe". Five of the lots (235, 275, 461, 525, and 575 Fuhrmann Boulevard) were transferred to ECHDC in late 2014 from the Niagara Frontier Transportation Authority ("NFTA"). The remaining lot, 901 Fuhrmann Blvd, remains in NFTA ownership and contains the vacant NFTA Port Terminal Buildings A and B;
ECHDC is in final discussions with NFTA regarding the transfer of this remaining property to ECHDC. The Times Beach Nature Preserve, created at a former U.S. Army Corps of Engineers confined disposal facility for dredge spoils, is owned by the City of Buffalo, and managed under an agreement with Erie County, although state/federal agencies have continuing active interests in the site.

The Project site is located in the Buffalo “Outer Harbor” section of the City’s waterfront, referring to the properties along the Lake Erie shoreline within a protected harbor formed by an outer breakwall built in the 1920s. Historically, the Outer Harbor provided deep water port facilities and associated landside transportation and industrial uses. Over the last four decades as the local economy restructured away from predominance on heavy manufacturing, the pattern of use on the Outer Harbor has been progressively evolving to one relying more on proximity/access to the water for recreational uses and enhancement of less intensive waterfront uses.

Proposed Action

The Proposed Action (i.e., the “Project”) would involve ECHDC adopting a General Project Plan ("GPP") to undertake the following activities:

- Transferring ownership of 901 Fuhrmann Boulevard (including all lands and the Terminal A and B buildings) from the NFTA to ECHDC, but excluding any specific activities for reuse, redevelopment, or new development on the property (other than trail access improvements noted below); and

- Programming $5 million in funds under ESD’s Buffalo Billion economic development initiative for planning, remedial action, final design and construction of a series of improvements to facilitate active/passive recreational uses and future recreational and event programming, including the following:

- **Improvement 1: Visitor Center/Hub.** This would involve creation of a Visitor Center/Hub at the Bell Slip with a modular installation, including pedestrian and bicycle amenities (e.g., bike racks, benches, trash cans, Adirondack chairs, etc.) to take advantage of the existing parking lot and views. It would also include installation of electric service and/or a renewable energy source for power requirements. It is assumed that such a facility would be roughly ~1,500 SF and generally be located near existing trailhead parking facilities on the Bell Slip.

- **Improvement 2: Southern Greenbelt Extension.** This component would involve construction of a multi-purpose trail extension along the water’s edge near Terminals A & B to complete the southern end of the current “Greenbelt” loop, including pedestrian and bicycle amenities (i.e., bike racks, benches, trash cans, Adirondack chairs, etc.). The trail would extend ~3,500 feet in length and result in ~0.8 acres of new pavement over a previously-paved/disturbed area on the shoreline.
Improvement 3: Michigan Pier Remediation/Reuse. This component would involve redeveloping the Michigan Pier (AKA Seaway Pier) into a flexible, multi-use outdoor recreational space, building on the success of nearby Wilkeson Pointe. It would include clearing, capping, and re-grading the vacant eight-acre pier to accommodate facilities such as: adult playground, workout area, ropes course, foot/bicycle paths (doubling as x-country ski trails), a cantilevered trail section (doubling as fishing pier), railings/perimeter walkway along entire edge (doubling as setback), deck, beach, beer garden area, and adult games zone (e.g., horseshoes, bocce courts, petanq, shuffleboard, volleyball, etc.). This component would also involve installation of electric service and/or a renewable energy source for power requirements. The design would also include recreational fields or pollinator fields, seasonal floating docks, safety ladders and life rings.

Improvement 4: Overlooks. This would involve developing two "overlook" locations adjacent to the Bell Slip along the existing Greenbelt loop. The design would facilitate birding, painting, photography, and astronomy (i.e., publicly-desired activities) to occur at these locations.

Improvement 5: Signage System. This component would involve the design and installation of a comprehensive signage system from Gallagher Beach to the Buffalo Main Light historic lighthouse facility at the mouth of Buffalo River, conforming to standards for the Erie County/Niagara River Greenway “Shoreline Trail” sign system, including ancillary pedestrian and bicycle amenities (i.e., bike racks, benches, etc.). The system would highlight key public locations as well as distances. This component has the potential for also including additional interpretive signs and for "physical fitness" (e.g., 10,000 Steps). The system would require an agreement/permitting with the NYS Department of Transportation (“NYSDOT”) for signs that are positioned within a NYSDOT-owned right-of-way (e.g., NYS Route 5).

Improvement 6: Osprey Nesting Structure. This component would involve installation of an Osprey platform at a location within the Times Beach Nature Preserve. This component would require an agreement with Erie County, Friends of Times Beach, and/or Buffalo Museum of Science to cover operations and maintenance.

Improvement 7: Mountain Bike Facilities. This component would involve the design and establishment of a mountain bike course(s) within a six-acre area bounded by the Bell Slip, Lake Erie, and Fuhrman Boulevard. Given the site’s features and proximity to existing paved pathways, a series of unpaved trails (each less than five miles in length) and a pump track would be established to take advantage of the mature trees and small gently-rolling hills.

It should be noted that while the Proposed Action is limited to activities noted above, it is anticipated that these improvements are a near-term action to facilitate public access and
enjoyment of the Project site now, with a vision to realize some form of development on the a portion of the site in the future, such as adapted reuse and/or redevelopment of buildings/lands at 901 Fuhrmann Boulevard.

REASONS SUPPORTING THE DETERMINATION OF NO SIGNIFICANT IMPACT:

ECHDC has reviewed the SEQRA Full Environmental Assessment Form ("EAF") and Supporting Analyses and the criteria contained in Part 617.7(c) of the SEQRA Regulations in making this Determination. Summaries of the reasons supporting the determination of no significant effect are presented in the following sections.

- **Land Use.** The Project would result in positive land use impacts associated with freeing up waterfront lands for public access and would represent a natural extension of open space and recreational access provided at the Times Beach Nature Preserve, as well as serve as a node of activity along the emerging network of waterfront trails stretching north from Gallagher Beach to the US Coast Guard Station. The Project would also be fully consistent with the policies of the City of Buffalo Comprehensive Plan and Zoning Ordinance, as well as draft provisions of the soon-to-be-adopted Buffalo Green Code. It would also represent the best principles of "smart growth" through its proposed reuse of brownfield property in an urbanized area and would contribute to an emerging pattern of recreational and mixed-use development and redevelopment along the waterfront. In order to avoid any long-term health and safety issues related to past contamination and to preserve the integrity of any past remedial actions on the Project site, ECHDC shall employ protocols or cause protocols to be employed as part of the design of future improvements and/or programming of future activities to ensure the workers, visitors, or users are not subject to any harmful exposure to contaminated materials in on-site soils. Finally, the proposed action would be consistent with State coastal policies.

- **Geological Features.** The Project site was created through periodic filling events over the last century and contains no unique geological features.

- **Surface Water.** The Proposed Action is not anticipated to result in any significant impacts to surface water resources, including wetlands. The potential for water quality issues will be investigated under the design process for each Project construction component and would be addressed in conjunction with State/Federal review process under Sections 401 and 404 of the U.S. Clean Water Act, and Section 10 of the Rivers and Harbors Act, if applicable. These would be regulated in accordance with a Joint Permit Application to the US Army Corps of Engineers ("USACE") and the NYS Department of Conservation ("NYSDEC"). The Project would also be subject to a State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activity, which requires the implementation of a Storm Water Pollution Prevention Plan ("SWPPP"). In addition, the one Project component that would not be on ECHDC-owned lands, the proposed Osprey platform at the Times Beach Nature Preserve, would require a State
Wetland Permit, together with Section 401 Water Quality Certification. ECHDC would work closely with NYSDEC and agencies/institutions that oversee the preserve during the design and permitting process to ensure that the platform is properly sited and that appropriate protection provisions are incorporated in the specifications for its installation.

- **Groundwater.** It is not anticipated that the Project will result in any significant impacts to groundwater resources, nor would it result in any new pathways for migration of contaminated groundwater. Anticipated earth-moving activities are expected to minor with the exception remediation activities to be conducted at the Michigan Pier, which is expected to focus primarily on capping the site with clean fill where required. As part of the design process for any Project component involved any substantial excavation or involving remediation shall include a full assessment of potential effects to groundwater resources.

- **Flooding.** While portions of the Project site are within the 100-year floodplain, the Project would not result in any significant short- or long-term impacts with regard to flooding. Existing and anticipated uses that would be located in the floodplain would be limited to trails and outdoor recreation areas, which are acceptable uses within a flood-prone area. No new habitable space would be developed in a floodplain as a result of the Proposed Action.

- **Air Quality.** The Project would not result in any significant short or long-term air quality impacts. It would not involve the establishment of any new regulated stationary sources of air pollutants and air emissions from mobile sources would not result in any significant changes in concentrations of ground-level carbon monoxide during peak traffic periods.

- **Plants and Animals.** Overall, the Project is not anticipated to have any significant impacts to plants and animals. The construction of trails, overlooks, signage and visitor hub components are all located on largely disturbed and/or already-paved areas, and thus they would result in very limited effects to plant/animal habitat. The largest Project component, the remediation and reuse of the Michigan Pier, would result in temporary displacement of small mammal and bird habitat during the construction period; upon re-vegetation of the site after completion, these species are expected to re-inhabit the Michigan Pier. The potential for siltation and sedimentation impacts to fishery resources associated with capping of the Michigan Pier shall be prevented through the use of best practices and regulated through the SPDES permitting process.

- **Agricultural Resources.** The Project site was formerly used for port-related industrial purposes and does not contain nor is adjacent to any agricultural resources.

- **Aesthetic Resources.** The Project would result in positive visual impacts on the Project site and its surrounding area. Proposed improvements to site access, the addition of recreational and open space facilities, and the enhancement of site programming would all positively contribute to the character of the Project site and the waterfront environment in general.
**Historic and Archaeological Resources.** The Project would result in no significant impacts to historic and archaeological resources. Anticipated recreational and public access improvements would pose no threat to such resources on/near the Project site, but rather may improve appreciation of these resources. In accordance with Section 14.09 of the New York State Historic Preservation Act, ECHDC consulted with State Historic Preservation Office ("SHPO") of the New York State Office of Parks, Recreation, and Historic Preservation on its conclusions regarding the lack of such impacts. In a letter on October 28, 2015, SHPO indicated that the proposed Project will have No Adverse Impact upon any resources that are listed on or eligible for listing on the State or National Registers of Historic Places.

**Open Space and Recreation.** The Project would not remove and/or impair any open space or recreational facility in the vicinity of the Project site, but rather, would represent a further expansion of waterfront access and recreational facilities along the Buffalo Outer Harbor.

**Critical Environmental Areas.** The Project site contains no designated critical environmental areas.

**Transportation.** The Project would result in no significant impacts to traffic operations in and around the Outer Harbor. Reconstruction of Fuhrmann Boulevard, completed in 2012 as part of the Southtowns Connector/ Buffalo Outer Harbor Project was projected to be fully capable of absorbing traffic generated in the area through 2030 under a future development scenario involving significant levels of new development along the Outer Harbor waterfront. The road system surrounding the Project site has previously demonstrated the ability to handle large public concerts and other public gatherings with no significant impacts.

**Energy.** The Proposed Action would have no significant impacts to the use and management of energy resources.

**Noise, Odor, and Light.** The Project would not result in any significant impacts with regard to noise, odors, or glare. With regard to lighting, the Project would involve the installation of limited electrical power and site lighting facilities to serve security and public safety needs. These additional light sources are not anticipated to result in any adverse impacts to on-site or adjoining areas. During the design phase of the various Project components, site designers will employ best practices to avoid any adverse effects, including implementing operational practices related to the Governor’s “Lights Out New York” Initiative, as warranted.

**Human Health.** The Project would not result in any significant impacts with regard to adverse effects to human health related to exposure to contamination in on-site soils, in consideration of amount of information garnered thus far regarding on-site risks and the fact that ECHDC shall employ future protocols to ensure that users/workers associated with various Project components and programming activities are properly protected. These
would include: 1) Undertaking additional soil exposure evaluations/documentation by qualified environmental engineers or environmental scientists for any proposed construction and/or programming activities not already being conducted in low-risk areas; 2) Ensuring that the remediation/reuse design of the Michigan Pier includes a full environmental engineering evaluation and a public session(s) during the design process to outline findings related to site remediation; and 3) Ensuring that maintenance/operations workers on the Project site employ proper work protocols to ensure health/safety.

- **Consistency with Community Plans.** The Proposed Action would be fully consistent with community planning policies including the Buffalo Comprehensive Plan, Buffalo Zoning Ordinance, and draft Buffalo Green Code, as well as New York State policies for uses with the coastal zone.

- **Consistency with Community Character.** The Project would positively contribute to the growth and character of the neighborhood and the community as a whole, by further rehabilitating and re-purposing a brownfield area, add to the growing network of public access and amenities along the Outer Harbor waterfront, and serve to help bridge/link already completed improvements.

- **Secondary, Indirect, and/or Cumulative Effects of the Proposed Action.** The Proposed Action may indirectly or cumulatively result in positive impacts related encouraging future mixed-use development along the Buffalo Outer Harbor waterfront. The Proposed Action however, does not specifically commit ECHDC, ESD, the City of Buffalo, or any other agency to any future project in the vicinity of the Project site. Any subsequent development activities would be subject to SEQRA review.

**REASONS FURTHER SUPPORTING DETERMINATION OF NO SIGNIFICANT IMPACT:**

ECHDC finds that to the extent the near-term activities to facilitate public access and enjoyment of the Project site under the Proposed Action may be deemed to be “segmented” from efforts to realize more permanent future development there, that such segmentation is proper pursuant to 6 NYCRR Part 617.3(g) in consideration of the following relevant circumstances:

- **Timing.** Undertaking planning, design/remedial activities, and construction of public access/recreational improvements on the site would further enhance public enjoyment of the Buffalo Outer Harbor in a manner fully permitted under current local development regulations and policies. Implementing these improvements now would not in any way commit ECHDC, ESD, the City; or any other agency to implement and/or approve any particular redevelopment or infill development project(s) on the Buffalo Outer Harbor in the future, if and when local regulations are adopted that permit new uses other than industrial establishments. Further, in recognition that there are currently no specific proposals—defined in terms of location, type (residential, office, institutional, etc.), and scale (i.e., number of units, total area of new development, etc.)—under consideration for approval by
ECHDC, ESD, the City, or any other agency, it would be premature to attempt to speculate on aspects of any such future development.

- **Lack of Significant Impacts.** The specific components of the Proposed Action (i.e., property transfer, design, remedial activities, and construction of public access/recreation improvements) are not likely anticipated to result in any significant negative direct/indirect effects to social, economic, or environmental resources. Because any future development on the Project site would also be subject to its own SEQRA documentation and all associated public reviews/approvals, advancing the Proposed Action now before any future development is conceptualized, marketed and/or solicited would in no way affect the appearance or impression of information that would be reported in future SEQRA documentation (i.e., it would not make the separated actions appear to have “fewer” impacts); nor would it in any way be less protective of the environment.

- **Other Ongoing Public Reviews.** Any future development on the Project site would largely be shaped by the ultimate adoption process for the Buffalo Green Code (i.e., to permit uses other than general industry on the site). The Green Code has been and will continue to be subject to extensive public involvement efforts, including SEQRA generic environmental impact statement prior to adoption. In turn, any new development(s) on the Project site in the future would be subject to public site plan review by the City of Buffalo. Thus, there would be ample opportunity for public review and comment if any future development on the Project site is considered.

- **Independent Utility.** The specific components of the Proposed Action would have independent utility (i.e., would permit public enjoyment of the waterfront) from that of any possible future development on some portion of the Project site. While such uses may well be related and complementary, the ultimate success of the Proposed Action is in no way directly predicated upon any such future development.

**SUMMARY:**

ECHDC has determined, based on the foregoing analysis, that approval of the proposed Buffalo Outer Harbor Access & Activation Civic Project:

- Would not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;

- Would not result in the removal or destruction of large quantities of vegetation or fauna; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered specific of animal or plant; or other significant adverse impacts to natural resources;
Would not result in the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

Would not result in the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;

Would not result in a major change in the use of either the quantity or type of energy;

Would not result in the creation of a hazard to human health;

Would not result in a substantial change in the use or intensity of use of land, open space or recreational resources, or in its capacity to support existing uses;

Would not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

Would not result in the creation of a material demand for other actions that would result in one of the above consequences;

Would not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;

Would not result in two or more related actions undertaken funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision; and

To the extent the requested authorization may be considered to be "segmented" from future development or redevelopment at Outer Harbor locations, that such "segmentation" is permissible pursuant to 6 NYCRR Part 617.3(g) due to the relevant circumstances of the Proposed Action, specifically: (i) that it is not possible to consider the environmental implications of such future activity in the absence of a proposal(s) for new development; (ii) that any such future development will be subject to review under SEQRA as well as any/all other applicable reviews/approvals; and (iii) that the review of the Proposed Action as described is no less protective of the environment than review together with any speculation of potential future development.

Based on the EAF and the Supporting Analyses, and consideration of the criteria for determining significance contained in Part 617.7(c) above, ECHDC has determined that the Proposed Action would not result in any significant adverse effects on the environment.
RESPONSE TO NOTICE
OF PROPOSED LEAD AGENCY DESIGNATION

PROPOSED LEAD AGENCY: Erie Canal Harbor Development Corporation
(Subsidiary of New York State Urban Development Corporation
d/b/a Empire State Development)

NAME OF ACTION/PROJECT: Proposed Buffalo Outer Harbor Access &
Activation Civic Project
City of Buffalo, County of Erie, New York

On behalf of the City of Buffalo Office of Strategic Planning, I acknowledge receipt of the lead agency designation notice in this matter.

The above named involved agency hereby (please check one):

[ X ] CONSENTS that the above named agency serve as lead agency in this application, and requests that the undersigned continue to be notified of SEQRA determinations, proceedings and hearings in this matter.

[ ] DOES NOT CONSENT to the above named agency serving as lead agency in this application and requests that __________________________ serve as lead agency. To contest lead agency, the undersigned intends to follow the procedures outlined in 6 NYCRR Part 617.6(e).

DATED: 10.15.15

SIGNED: Brendan R. Mehaffy, Executive Director
(Please print)

Please return by October 19, 2015 to:
Steven Ranalli, P.E.
Erie Canal Harbor Development Corporation
95 Perry Street, 5th Floor
Buffalo, New York, 14203

Or scan/email to: steven.ranalli@esd.ny.gov
Required Submittals

2. Site Plan
Site Aerial
Outer Harbor South Civic Improvements
901 Fuhrmann Boulevard
Permit No. SC17-5446827

Applicant: Erie Canal Harbor Development Corporation
December 2017