

October 5, 2012

**NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
d/b/a EMPIRE STATE DEVELOPMENT***Parent Corporation of*  
**ERIE CANAL HARBOR DEVELOPMENT CORPORATION****NOTICE OF LEAD AGENCY DESIGNATION  
AND PROJECT UPDATE****Canalside Project  
Buffalo, Erie County, New York**

The New York State Urban Development Corporation, d/b/a Empire State Development Corporation ("ESD"), served as lead agency on behalf of its subsidiary, the Erie Canal Harbor Development Corporation ("ECHDC"), for the environmental review process carried out under the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations (6 NYCRR Part 617) in connection with the **Canalside Project** in Buffalo, New York (the "Project").

The Project was classified as a Type 1 Action under the implementing regulations for SEQRA. The Project was evaluated utilizing a Generic Environmental Impact Statement ("GEIS") to analyze site-specific impacts associated with various aspects of the Project, and long-term and/or cumulative impacts associated with future phases of project development. Pursuant to SEQRA, agencies may prepare a GEIS when there is a need to assess a wide variety of impacts at a more conceptual level on a larger geographic area, often including cumulative impacts, rather than project-specific or site-specific EISs. The ESD issued a Final GEIS ("FGEIS") for the Project on January 21, 2010 and a Findings Statement on March 25, 2010. Pursuant to the FGEIS, final designs for less-defined Project components as well as any proposed changes to the more well-defined elements (hereinafter referred to as "Future Project Plans") would require further evaluation pursuant to SEQRA.

ESD has received the attached Letter of Intent from representatives of HARBORcenter Development, LLC ("HARBORcenter"), notifying ESD of certain changes to the proposed development of the area know as the "Webster Block" (bounded by Main, Scott, Washington, and Perry streets in downtown Buffalo) from those assumptions evaluated in the January 2010 FGEIS.

The HARBORcenter Letter of Intent sets forth the basis for a proposal to develop a mixed-use complex on the 1.7-acre Webster Block (the "Webster Block Project"). The Webster Block Project will include the construction of a mixed-use building consisting of a hockey complex, a hotel of up to 200 rooms, retail and restaurant space, and a five-level parking structure designed to accommodate 965+/- parking spaces. A more detailed project description is included in the Letter of Intent which is attached hereto as Exhibit A.

95 Perry Street, Suite 500 | Buffalo, NY 14203-3030 | (716) 846-8200  
[www.esd.ny.gov](http://www.esd.ny.gov)

For your reference, the following documents are attached to this notice:

- **Exhibit A:** HARBORcenter Letter of Intent for the Webster Block Development;
- **Exhibit B:** Part 1 of Full Environmental Assessment Form; and
- **Exhibit C:** Excerpt: Canalside Findings Statement Outlining Future Project Plan Review Process.

The Webster Block Project is a component of the larger Canalside Land Use Improvement Project (the "Project"), established under the New York State Urban Development Corporation Act, and undertaken by the ESD and ECHDC. The Project will consist of over one million square feet of commercial (retail, lodging and office), cultural and residential space along the Buffalo waterfront, and is designed to foster economic growth and expand public use and enjoyment of the Erie Canal Harbor area. The Project will provide various year-round offerings and experiences, including restaurants, entertainment venues, retail outlets, cultural attractions, vast public spaces and increased access to the Buffalo River.

Pursuant to the FGEIS and its Findings Statement, ESD is continuing to serve as Lead Agency for the purpose of conducting this SEQRA analysis for the Webster Block Project. A copy of Part I of the Full Environmental Assessment Form (the "EAF") for the Webster Block Project is enclosed as Exhibit B.

Per the FGEIS and Final Findings Statement, ESD will review Future Project Plans such as the Webster Block Project, in relation to the FGEIS and the Findings Statement. An excerpt from the Findings Statement which details this process is attached hereto as Exhibit C. Pursuant to ESD's Findings Statement, if ESD determines that a Future Project Plan is not adequately addressed in the FGEIS, but the proposal does not exceed any of the outlined thresholds, or the proposal does exceed a threshold but would not result in any significant adverse environmental impacts, then a negative declaration may be prepared. If the ESD determines that a Future Project Plan is not adequately addressed in the FGEIS and/or the proposal would exceed one of the outlined thresholds and may have one or more significant adverse environmental impacts, then a supplement to the FGEIS must be prepared.

We request your agency to review the attached EAF Part 1 and provide ESD with any comments regarding Lead Agency and/or the scope of issues that should be considered in evaluating the Webster Block Project pursuant to the Future Project Plan review process spelled out in the GEIS.

Also, please note that it is anticipated that HARBORcenter Development will provide a more detailed SEQRA analysis (in addition to Part 1 of the Full EAF) in the near future. Such analysis will be circulated to all interested and involved agencies for review and comment once it is received by ESD.

Comments on the scope of issues for the Webster Block Project or questions regarding the process should be directed to:

**Stephen F. Gawlik, Esq.**  
**Empire State Development Corporation**  
**95 Perry Street**  
**Buffalo, NY 14203**  
**Phone: 716-846-8200; Facsimile: 716-846-8260**

A copy of this notice, Part 1 of the Full EAF and other attachments has been sent to the following agencies:

**New York State Department of Environmental Conservation**  
**270 Michigan Avenue**  
**Buffalo, NY 14203**

**Department of State Division of Coastal Resources**  
**41 State Street**  
**Albany, NY 12231-0001**

**New York State Department of Transportation**  
**100 Seneca Street**  
**Buffalo, NY 14203**

**New York State Thruway Authority Buffalo Division**  
**455 Cayuga Road, Suite 800**  
**Cheektowaga, NY 14225-0121**

**New York State Office of Parks, Recreation and Historic Preservation**  
**State Historic Preservation Office**  
**Peebles Island, PO Box 189**  
**Waterfront, NY 12188-1089**

**Niagara Frontier Transportation Authority**  
**181 Ellicott Street**  
**Buffalo, NY 14203**

**New York State Department of State**  
**One Commerce Plaza**  
**99 Washington Ave**  
**Albany, NY 12231-0001**

**Erie County Department of Health**  
**95 Franklin Street**  
**Buffalo, NY 14202**

**New York State Canal Corporation**  
**455 Cayuga Road**  
**Suite 800**  
**Cheektowaga, NY 14225-1309**

**Erie County Industrial Development Agency**  
**143 Genesee Street**  
**Buffalo, NY 14203**

**New York State Office of General Services**  
**Corning Tower**  
**41st Floor Empire State Plaza**  
**Albany, NY 12242**

**Erie County Legislature**  
**92 Franklin Street**  
**4th Floor**  
**Buffalo, NY 14202**

**New York Power Authority**  
**123 Main Street**  
**White Plains, NY 10601**

**Erie County Department of Planning and Environment**  
**95 Franklin Street**  
**Buffalo, NY 14202**

**Erie County Fiscal Stability Authority**  
295 Main Street  
Room 946  
Buffalo, NY 14203

**Erie Canal Harbor Development Corporation**  
5th Floor  
95 Perry Street  
Buffalo, NY 14203

**City of Buffalo Department of Administration,  
Finance, Policy and Urban Affairs**  
203 City Hall  
Buffalo, NY 14202

**City of Buffalo Department of Permit and  
Inspection Services**  
324 City Hall  
Buffalo, NY, 14202

**City of Buffalo Department of Public Works,  
Streets and Parks**  
501 City Hall  
65 Niagara Square  
Buffalo, NY 14202

**Buffalo Sewer Authority**  
1038 City Hall  
65 Niagara Square  
Buffalo, NY 14202

**Buffalo Urban Renewal Agency**  
920 City Hall  
65 Niagara Square  
Buffalo, NY 14202

**Buffalo Municipal Housing Authority**  
300 Perry Street  
Buffalo, NY 14204

**City of Buffalo Common Council**  
City Hall  
65 Niagara Square  
Buffalo, NY 14202

**City of Buffalo Planning Board**  
901 City Hall  
65 Niagara Square  
Buffalo, NY 14202

**Hon. Mayer Byron W. Brown**  
City Hall  
65 Niagara Square  
Buffalo, NY 14202

**City of Buffalo Department of Economic  
Development, Inspections and Permits**  
324 City Hall  
65 Niagara Square  
Buffalo, NY 14202

**Buffalo Preservation Board**  
901 City Hall  
65 Niagara Square  
Buffalo, NY 14202

**Buffalo Fiscal Stability Authority**  
Market Arcade Building, Suite 400  
617 Main Street  
Buffalo, NY 14203-1485

**Buffalo Water Board**  
281 Exchange Street  
Buffalo, NY 14204

**Exhibit A**

**Letter of Intent from HARBORcenter, LLC**

Terrence M. Gilbride  
Partner  
Direct Dial 716.848.1236  
Facsimile 716.849.0349  
tgilbride@hodgsonruss.com

**Hodgson R**  
ATTORNEYS

October 3, 2012

**Via Hand Delivery**

Stephen F. Gawlik, Esq.  
Empire State Development Corporation  
95 Perry Street  
Buffalo, New York 14203

Dear Steve:

Re: **Letter of Intent for the Webster Block Development**

This letter sets forth the basis by which HARBORcenter Development, LLC ("HARBORcenter"), proposes to develop a mixed-use complex on the Webster Block parcel in downtown Buffalo, New York (the "Webster Block Project" or "Project"). This letter is a summary of terms based on what is currently known and/or expected as part of the development of the Webster Block.

As you know, the Webster Block is part of the proposed Canalside project being overseen by the Erie Canal Harbor Development Corporation ("ECHDC"). ECHDC submitted a Draft Generic Environmental Impact Statement ("DGEIS") for the Canalside project to the New York State Urban Development Corporation d/b/a Empire State Development Corporation ("ESDC") on September 17, 2009. Comments were received and responded to in a Final Generic Environmental Impact Statement ("FGEIS") that was submitted by ECHDC on January 21, 2010. A Findings Statement was issued by ESDC on March 25, 2010.

The original scope of design for the Webster Block in the FGEIS for the Canalside project included 31,200 square feet of retail/restaurant space, 75,000 square feet of hotel room space including 150 hotel rooms, and four levels of parking, totaling 400 parking stalls (with a high-density alternative authorizing an extra 100 parking stalls); all of this was to be encompassed in a building 150 feet in height.

Changes to what was originally contemplated for the Webster Block requires additional review pursuant to the State Environmental Quality Review Act ("SEQRA"). Therefore, we have enclosed an Environmental Assessment Form ("EAF") for the Webster Block Project for your review. Moreover, HARBORcenter has also identified additional potentially involved and/or interested agencies that should be included as part of the coordination process for review of the Project. These include the Erie County Industrial Development

Agency; the City of Buffalo Department of Administration, Finance, Policy, and Urban Affairs; and the City of Buffalo Department of Permit and Inspection Services.

### **I. Overview of the Webster Block Project**

The Project will include a sixteen story, 613,850 +/- square foot, mixed-use building that will consist of a hockey complex, a hotel of up to 200 rooms, retail and restaurant space, and a five-level parking structure designed to accommodate 965 +/- parking spaces. The building will be constructed on the approximately 1.7 acre Webster Block parcel and the two westernmost lanes of Washington Street. The parcel is bordered by Main Street to the west, Scott Street to the north, Washington Street to the east, and Perry Street to the south. The building will be freestanding, aside from a raised walkway crossing over Perry Street that will connect the Project site to First Niagara Center (the "Arena"). The building is designed to blend in to the existing character and streetscapes of the Canalside and the Cobblestone Districts. A more detailed depiction of the proposed Project is included below.

#### **A. The Hockey Complex**

The proposed development will be anchored by a new 114,390 +/- square foot hockey complex. The hockey complex, as it is currently envisioned, will be built on the sixth and seventh floors of the new building, and it will consist of two National Hockey League ("NHL") sized ice sheets, 2,000 +/- spectator seats, eight locker rooms, administrative and maintenance areas, concessions, restrooms, and a large concourse. The two NHL sized ice sheets will each be approximately 17,500 +/- square feet, for a total of 35,000 +/- square feet of ice space. Please note, what follows is a proposed layout and is subject to change as HARBORcenter continues to accommodate the needs of its users and tenants.

Rink one will be horizontally positioned north to south with the southernmost end abutting the southern boundary of the hockey complex. The ice sheet for rink one will be built on the sixth level and the spectator seating will span the sixth and seventh levels. Rink one will be surrounded by approximately 11,623 +/- square feet of spectator seating, which will consist of one level of seating. Rink one will also have approximately 1,700 +/- square feet of flex space for meetings, warm-up, and dry land training. There will be a barrel roof over rink one.

Rink two will be horizontally positioned north to south with its northernmost end abutting the northern boundary of the hockey complex and its easternmost side abutting the eastern boundary of the hockey complex. The ice sheet for rink two will be built on the sixth level and will be surrounded by approximately 1,300 +/- square feet of spectator seating, which will consist of 200 +/- bleacher seats on the sixth level. Rink two will also have approximately 350 +/- square feet of flex space for additional locker and restroom space. Rink two will be open to the top of the seventh level and will have a flat roof over it.

In addition to the two ice rinks, the proposed hockey complex will have a minimum of eight locker rooms. The locker rooms are presently estimated to be in the range of

approximately 750 to 1,000 +/- square feet and will be built on the sixth level. It is also anticipated that the sixth level will contain flex space and meeting space, the exact square footage of which has yet to be determined.

The hockey complex will also include public concessions, a large concourse, a public skate check-in and sales area, a fitness center/sports programming space, and public restrooms. The concourse will run throughout the hockey complex and will total approximately 8,600 +/- square feet, spanning both the sixth and seventh levels. The public concessions will be distributed at regular intervals on the concourse and will total approximately 624 +/- square feet. The public skate check-in and sales area will be located centrally on the sixth level and will total approximately 644 +/- square feet. The fitness center/sports programming space will be located on the sixth level in the northwestern corner of the property and will total approximately 12,000 +/- square feet. The restrooms will be on both the sixth and seventh levels and will total approximately 2,618 +/- square feet. Additionally, to support the complex from a service and operations standpoint, there will be approximately 10,332 +/- square feet of maintenance and operations space. There will be a service entrance off of Scott Street, and service areas and support offices will be distributed throughout the sixth and seventh levels.

#### **B. Parking Area**

The Project, as currently contemplated, will include a five level parking structure to service the building and to supplement parking shortages in the area. The walkway to the Arena will be on the third level of the parking structure, and will be used to allow additional parking and foot traffic between the Project and the Arena. The first level of the structure will have entrances and exits on the Perry Street and Washington Street sides of the complex.

The first and second levels of the structure will include partial level parking ramps, as these areas will share space with the restaurant, retail space, and hotel lobby. The first floor of the parking garage will consist of approximately 48,900 +/- square feet and 133 +/- parking stalls. The second floor of the parking garage will consist of approximately 34,170 +/- square feet and 84 +/- parking stalls. The third, fourth, and fifth floors will be devoted entirely to parking, with the third level consisting of approximately 79,170 +/- square feet and 214 +/- parking stalls, and the fourth and fifth levels consisting of approximately 94,525 +/- square feet and 267 +/- parking stalls each. In addition to the parking on levels 1 through 5, HARBORcenter is discussing with its architects the possibility of adding additional parking in a below grade basement parking area. In total, the parking area will be approximately 350,000 to 400,000 +/- square feet and have 965 +/- parking stalls.

#### **C. Retail and Restaurant Space**

The Project will feature retail and restaurant space on the first level. The retail space will be located primarily on the southwestern corner of the property and will continue north to approximately halfway along the western boundary of the property. The retail entrances will be off of Main Street. This space will be approximately 8,000 +/- square feet and will

consist of multiple shell spaces of sizes to-be-determined. HARBORcenter has already begun preliminary discussions with strong local companies, such as New Era and Tim Hortons, to fill this retail space.

The restaurant space will be located on the northeastern corner of the property and will continue west to approximately halfway along the northern boundary of the property. The restaurant will consist of approximately 5,700 +/- square feet of space on the first level, an additional 2,000 +/- square feet of space on a second level mezzanine and 2,700 +/- square feet of space of rooftop/deck area. In total, the proposed restaurant will be approximately 10,614 +/- square feet. The restaurant has been conceptualized as a Buffalo-area, sports-themed, bar and grill.

#### **D. Hotel**

The Project will also include a hotel of up to 200 rooms. The hotel will support area businesses in downtown Buffalo and the events surrounding the hockey complex. The hotel will be located on the northwestern corner of the property and will continue south to approximately halfway along the western boundary of the property. This area will be the only section that rises above eight levels – it will be eighteen floors (approximately 190 +/- feet tall). The hotel lobby will be on the first level of the building and is proposed to be approximately 13,625 +/- square feet. The hotel will have support area and meeting rooms on the seventh floor, with guest rooms on the eighth through eighteenth floors. Each hotel-floor, excluding the lobby, will be approximately 11,865 +/- square feet. In total, the hotel space will be approximately 130,000 to 150,000 +/- square feet. HARBORcenter has already begun preliminary discussions with nationally recognized premium hotel brands, including Marriott, to join the Project.

#### **E. Changes to the Surrounding Area**

The Project will require several changes to existing city infrastructure as it currently exists in and around the Webster Block. Most significantly, HARBORcenter proposes permanently closing two lanes of Washington Street along the eastern boundary of the parcel, to support the design of the complex. Additionally, during Project construction, Perry Street will need to be temporarily closed, as will all sidewalks along all sides of the property. Relocation of the light-rail overhead wire support poles and re-signaling/traffic-revisions will be required on all adjacent streets. Additionally, all public and private utilities (i.e. sewer, water, storm, power, gas, data, fiber, etc.) on the Webster Block will need to be relocated to support the Project. HARBORcenter will work with all interested parties in coordinating these changes.

Stephen F. Gawlik, Esq.  
October 3, 2012  
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Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terrence M. Gilbride'.

Terrence M. Gilbride

Enclosure

Copies (w/enc.) to: David Zygaj, Esq.  
Stan Makowski, Jr.  
Mark J. Tytka  
Adam S. Walters, Esq.  
Paul D. Meosky, Esq.  
Charles W. Malcomb, Esq.

**Exhibit B**

**Part 1 Environmental Assessment Form**

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

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**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:  Part 1       Part 2       Part 3  
 Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.\*
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

\* A Conditioned Negative Declaration is only valid for Unlisted Actions

HARBORcenter Project

Name of Action

New York State Urban Development Corporation d/b/a Empire State Development Corporation

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

website

**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

**NOTICE:** This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action HARBORcenter Project

Location of Action (include Street Address, Municipality and County)

75 Main Street, Buffalo, New York. Parcel is locally referred to as the "Webster Block". The parcel is bounded by Perry Street, Washington Street, Scott Street, & Seymour Knox Boulevard.

Name of Applicant/Sponsor HARBORcenter Development, LLC

Address First Niagara Center, 1 Seymour H. Knox III Plaza

City / PO Buffalo

State New York

Zip Code 14203

Business Telephone (716) 855-4139

Name of Owner (if different) City of Buffalo

Address 901 City Hall

City / PO Buffalo

State NY

Zip Code 14202

Business Telephone (716) 851-5261

**Description of Action:**

The proposed HARBORcenter Project features a world-class hockey facility with two new rinks connected to the First Niagara Center. In addition to the new 1,800 and 200 seat rinks, the project as currently envisioned includes approximately 965 parking spaces, up to 212 hotel rooms, and approximately 15,000 square feet of retail/restaurant uses. Overall, the project includes approximately 613,000 square feet of development. See Attachment 1: Preliminary Site Plans and Renderings.

The project will be located on a city-owned parcel of land commonly referred to as the "Webster Block" (bounded by Washington Street, Perry Street, Seymour Knox Boulevard and Scott Street) and a portion of the Washington Street right-of-way. A portion of the new structure will span over Perry Street providing a direct connection to the First Niagara Center.

**Please Complete Each Question--Indicate N.A. if not applicable**

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban     Industrial     Commercial     Residential (suburban)     Rural (non-farm)  
 Forest     Agriculture     Other \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Total acreage of project area: +/- 2.03 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	<u>+/- 2.03</u> acres	<u>+/- 1.91</u> acres
Other (Indicate type) <u>Plaza/Courtyard</u>	<u>0.00</u> acres	<u>+/- 0.12</u> acres

3. What is predominant soil type(s) on project site? Ud - Urban Land

- a. Soil drainage:  Well drained 100% of site     Moderately well drained \_\_\_\_\_% of site.  
 Poorly drained \_\_\_\_\_% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? NA acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes     No

a. What is depth to bedrock +/- 35' (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% \_\_\_\_\_%     10- 15% \_\_\_\_\_%     15% or greater \_\_\_\_\_%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes     No    Contiguous to Erie Canal Harbor Archaeological District - National Register of Historic Places Eligible.

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes     No

8. What is the depth of the water table? +/- 12-13' (in feet)

9. Is site located over a primary, principal, or sole source aquifer?  Yes     No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes     No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

Canal Side Project Final Generic Environmental Impact Statement (January 2010)

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?  Yes  No

15. Streams within or contiguous to project area:

None

- a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

None

- b. Size (in acres):

17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection?  Yes  No
- b. If YES, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

The Applicant is in possession of environmental reports documenting contamination at the site, and has sought entry into the NYS Brownfield Cleanup Program, which may obviate the need for a Soils Management Plan.

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 2.03 acres.
- b. Project acreage to be developed: 2.03 acres initially; 2.03 acres ultimately.
- c. Project acreage to remain undeveloped: 0.00 acres.
- d. Length of project, in miles: NA (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. NA %
- f. Number of off-street parking spaces existing 290; proposed +/- 965 Net increase of +/- 675 off-street parking spaces.
- g. Maximum vehicular trips generated per hour: TBD (upon completion of project)? Project Sponsor is preparing a focused traffic analysis for proposed project.
- h. If residential: Number and type of housing units:
- |            | One Family                  | Two Family                  | Multiple Family             | Condominium                 |
|------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Initially  | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| Ultimately | <u>                    </u> | <u>                    </u> | <u>                    </u> | <u>                    </u> |
- i. Dimensions (in feet) of largest proposed structure: < 200' height; +/- 215' width; +/- 420' length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 1,176.47 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? +/- 50,200 cubic yards
3. Will disturbed areas be reclaimed  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- 
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: 26 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction +/-1,500; after project is complete +/- 350

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

Relocation of public utilities (water, sewer) and private utilities under Washington Street right-of-way and possibly Perry Street.

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? TBD tons Wastes generated by soil excavation and hotel, ice rink facility, parking, and restaurant operations.

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name private contractor : location TBD

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

17. Will the project involve the disposal of solid waste?  Yes  No Wastes generated by soil excavation and hotel, ice rink facility, parking, and restaurant operations.

a. If yes, what is the anticipated rate of disposal? TBD tons/month.

b. If yes, what is the anticipated site life? TBD years.

18. Will project use herbicides or pesticides?  Yes  No

19. Will project routinely produce odors (more than one hour per day)?  Yes  No

20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No

21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

Site is currently used as a surface parking lot. Proposed project will include short-term energy use for construction-related activities and increased electric and natural gas usage during project operations (associated with hotel, ice rink facility, parking, and restaurant uses).

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.

23. Total anticipated water usage per day TBD gallons/day.

24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:

**25. Approvals Required:**

		Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>See Attachment 2</u>	_____
		_____	_____
		_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>See Attachment 2</u>	_____
		_____	_____
		_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		_____
			_____
			_____
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>See Attachment 2</u>	_____
		_____	_____
		_____	_____
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>See Attachment 2</u>	_____
		_____	_____
		_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		_____
			_____
			_____
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>See Attachment 2</u>	_____
		_____	_____
		_____	_____
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		_____
			_____
			_____

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required: Modification to Canal Side Land Use Improvement Project General Project Plan

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance    | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision      |
| <input type="checkbox"/> Site plan        | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan    | <input checked="" type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

The Project Site is zoned II-Institutional Light Industrial. However, ESDC with City of Buffalo concurrence exercised its statutory powers to override zoning controls under the Modified General Project Plan.

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

The High-Density Alternative Development Program described in the Canal Side FGEIS (January 2010) establishes the maximum development permitted by the Canal Side Land Use Improvement Project General Project Plan. This includes 340,000 s.f. in total development.

4. What is the proposed zoning of the site?

The Canal Side Land Use Improvement Project GPP will be modified to permit approximately 613,000 s.f. of total development (approx. 8,000 s.f. retail, 7,700 s.f. restaurant, 212 hotel rooms, two ice sheets (1,800 and 200 seat capacities), and 965 parking spaces).

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

The maximum potential development of the site as envisioned will permit approximately 613,000 s.f. of total development (approx. 8,000 s.f. retail, 7,700 s.f. restaurant, 212 hotel rooms, two ice sheets (1,800 and 200 seat capacities), and 965 parking spaces).

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

The proposed project is generally consistent with the Canal Side Land Use Improvement Project - Modified General Project Plan.

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Predominant land uses within a 1/4 mile radius of the proposed project site include office and commercial, sports arena, structured and surface parking, industrial/utility, public open space, and multi-family residential uses. Several vacant parcels exist within the area. See Attachment 3: Land Use Map.  
  
The predominant zoning classifications within a 1/4 mile radius of the proposed action include II-Institutional/Light Industrial, R5-Apartment/Hotel, DO-Downtown Opportunity, and M1-Light Industrial. See Attachment 4: Existing Zoning.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? NA

a. What is the minimum lot size proposed? \_\_\_\_\_

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

The proposed action will increase demand for fire and police services. This increase in demand can be handled by existing capacity.

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

A focused traffic analysis is being prepared for the project.

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

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

Applicant/Sponsor Name HARBORcenter DEVELOPMENT, LLC Date October 3, 2012

Signature \_\_\_\_\_

*Cliff Benson*

Title \_\_\_\_\_

*Authorized Signator*

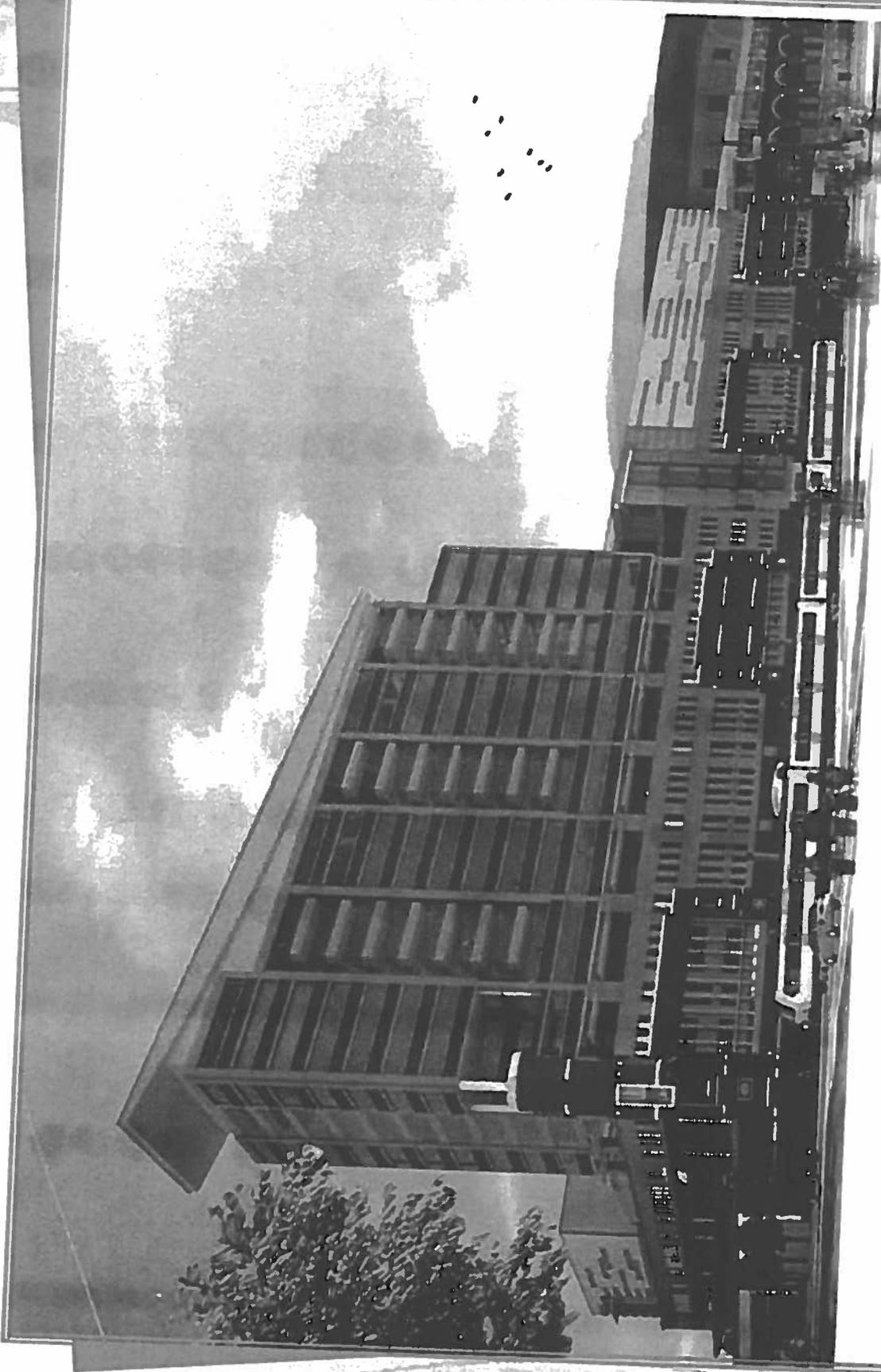
If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

**State Environmental Quality Review  
Full Environmental Assessment Form  
HARBORcenter Project  
Buffalo, New York**

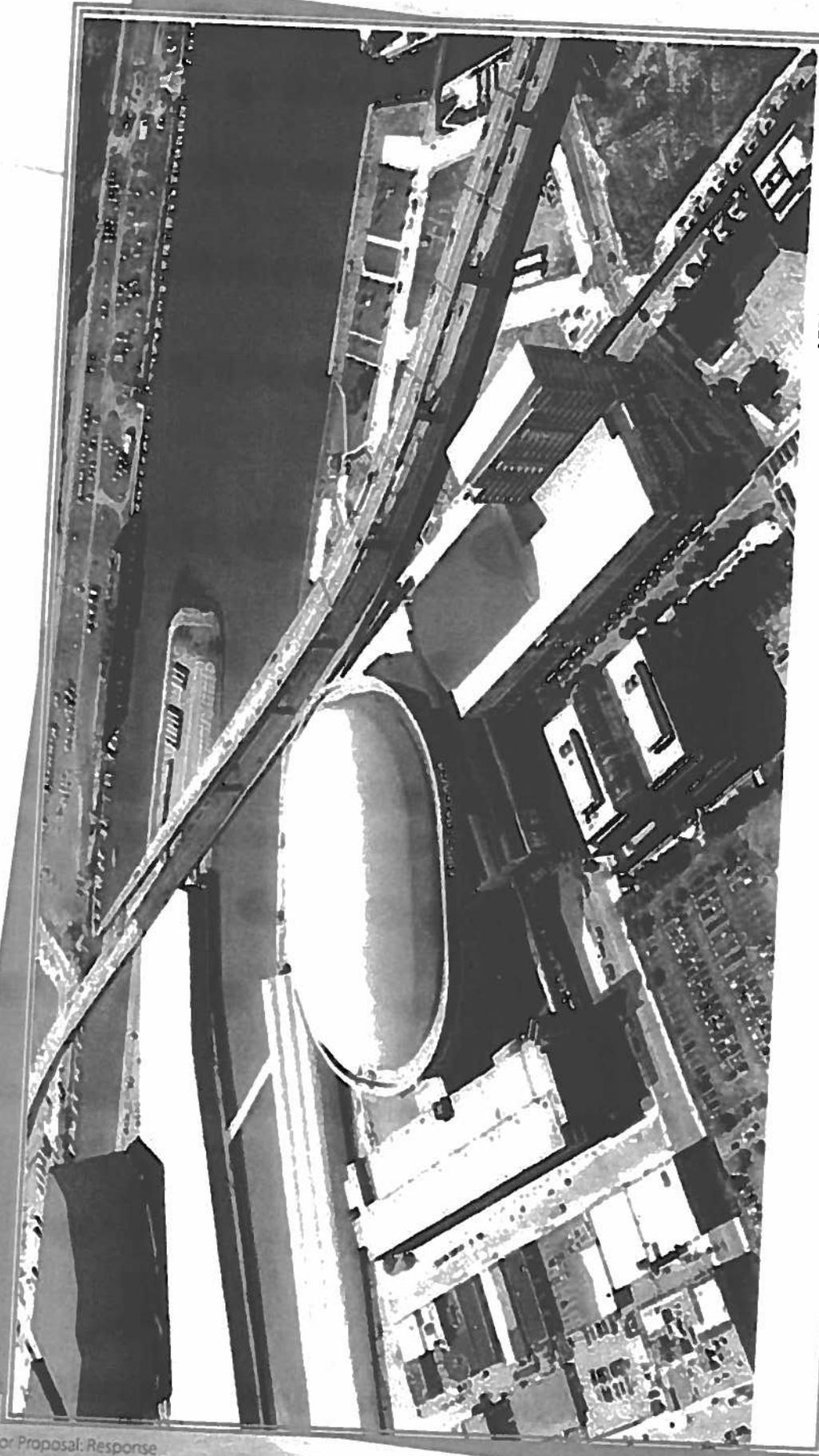
**ATTACHMENT 1**

**Preliminary Site Plans and Renderings**

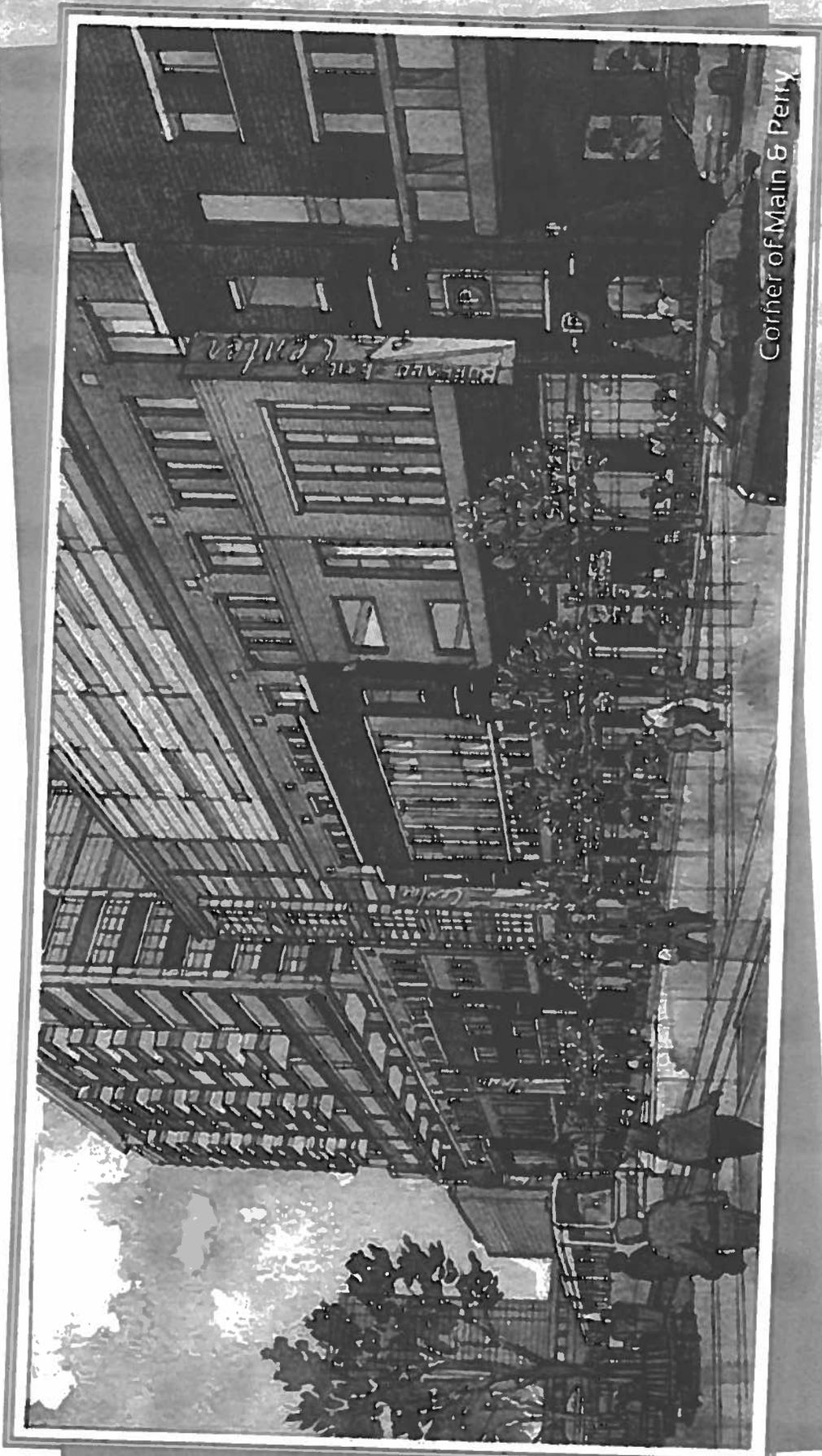
Perspective renderings



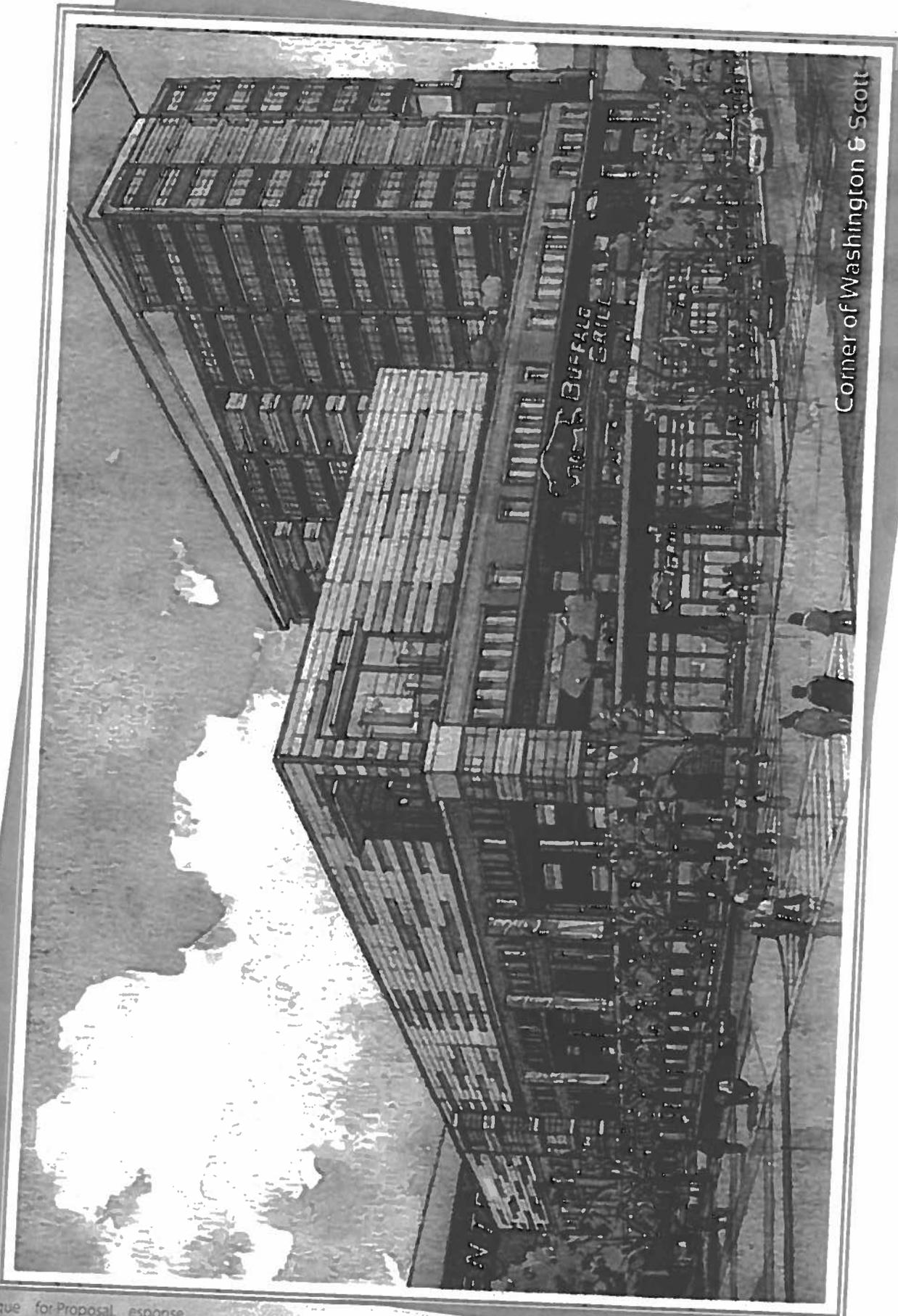
CORNER OF SCOTT & MAIN STREET VIEW



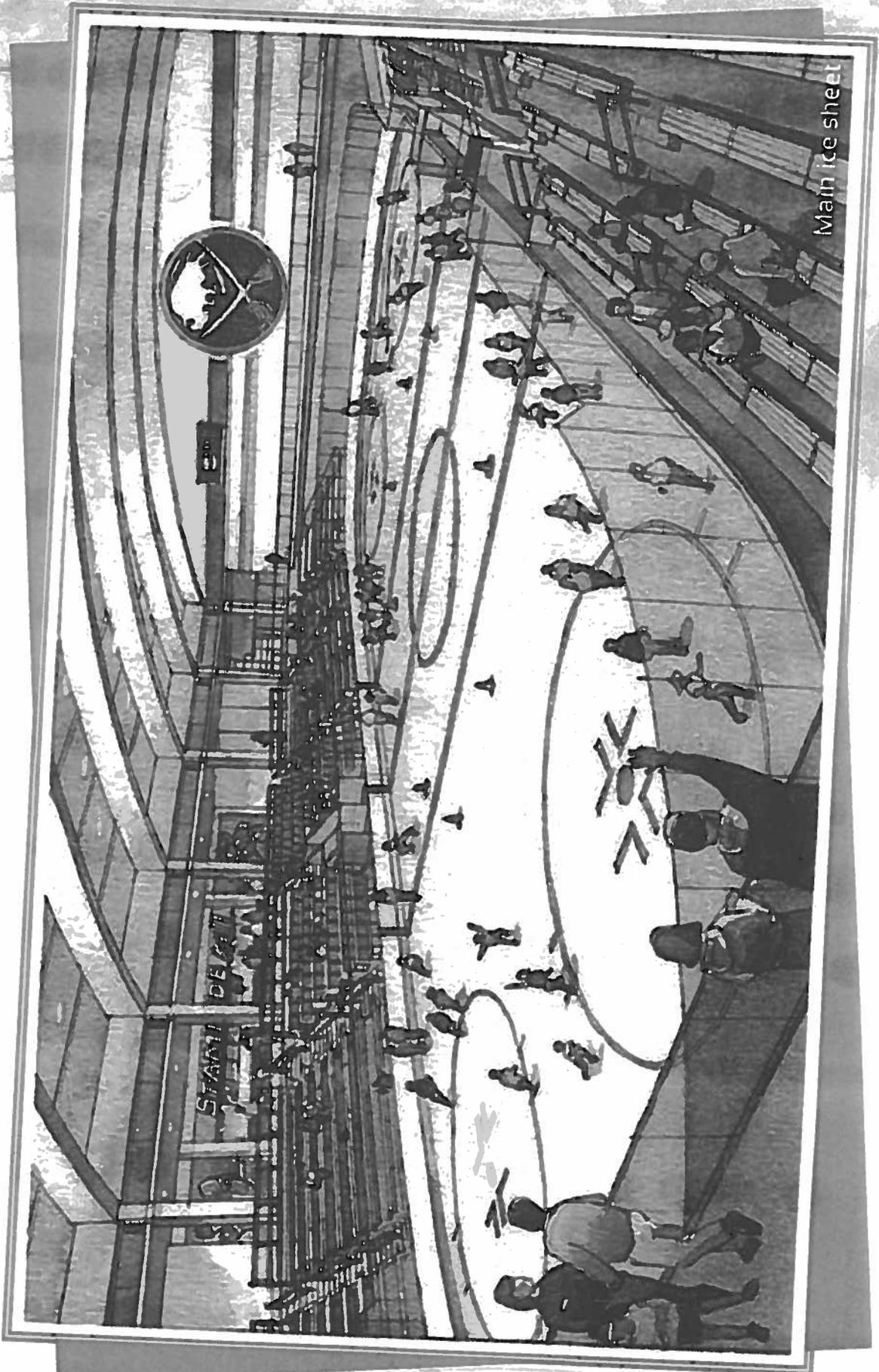
AERIAL VIEW LOOKING SOUTHWEST



Corner of Main & Perry

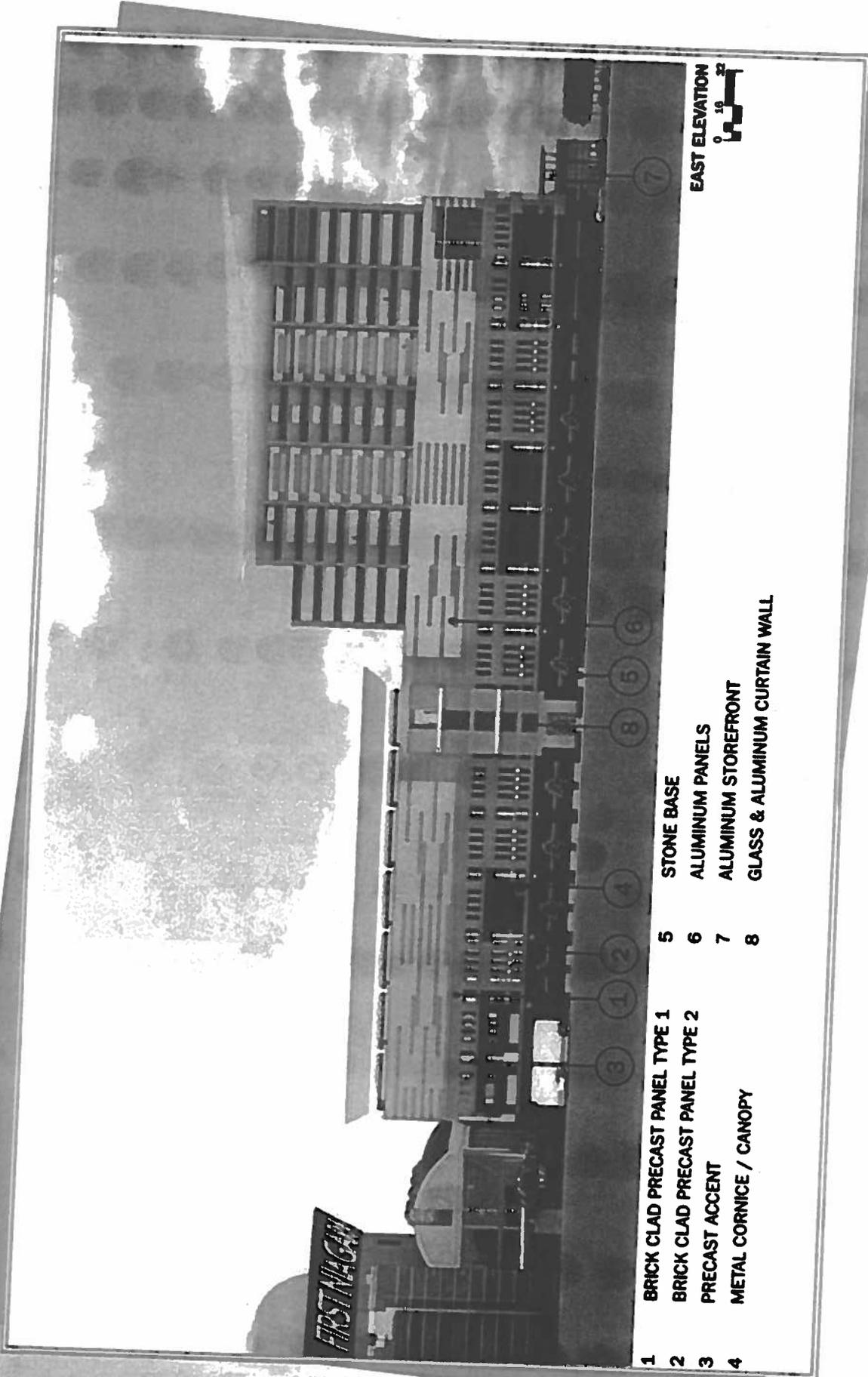


Corner of Washington & Scott



Main ice sheet

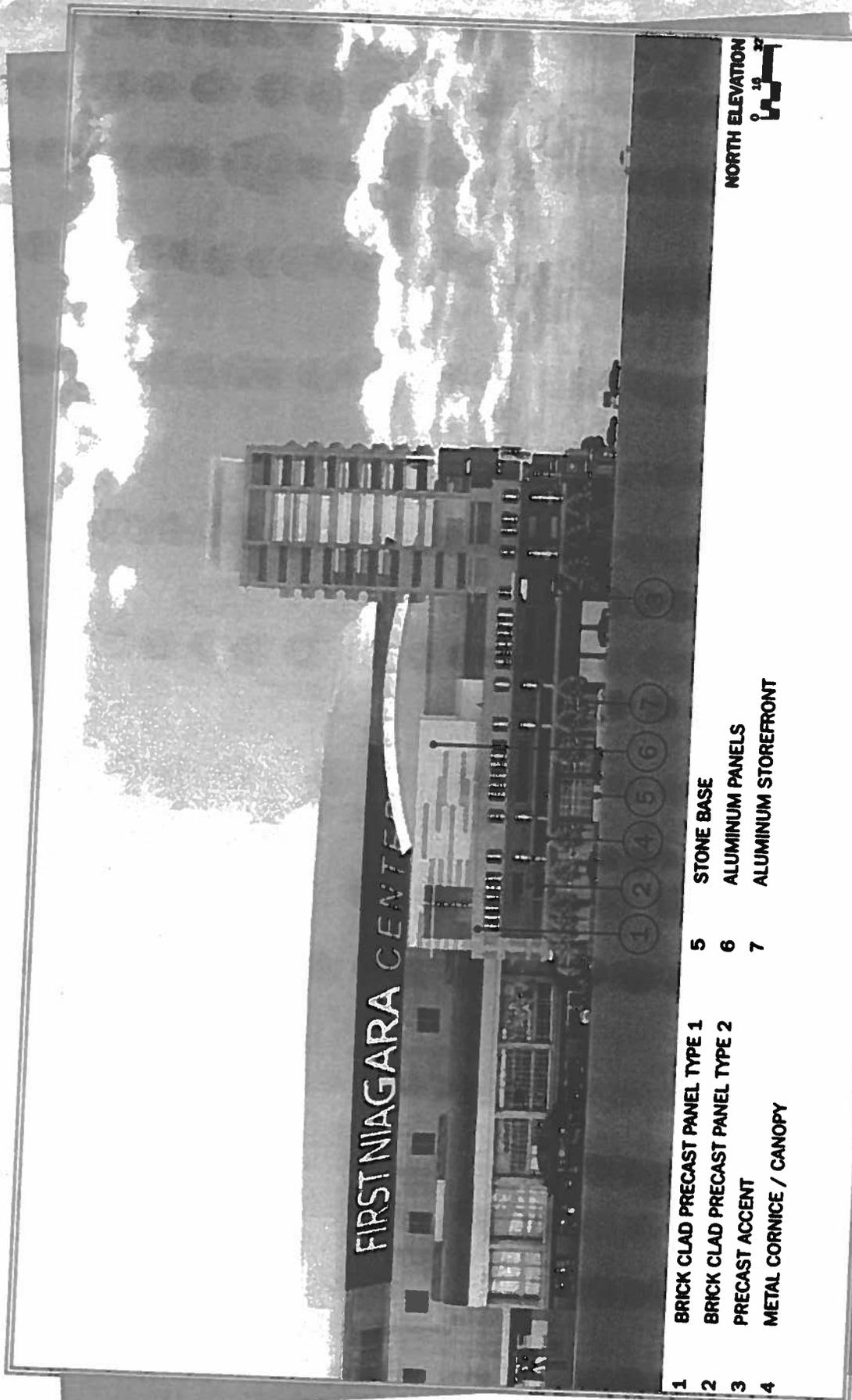
**Building elevations**



- 1 BRICK CLAD PRECAST PANEL TYPE 1
- 2 BRICK CLAD PRECAST PANEL TYPE 2
- 3 PRECAST ACCENT
- 4 METAL CORNICE / CANOPY

- 5 STONE BASE
- 6 ALUMINUM PANELS
- 7 ALUMINUM STOREFRONT
- 8 GLASS & ALUMINUM CURTAIN WALL

**EAST ELEVATION**  
0 16 32

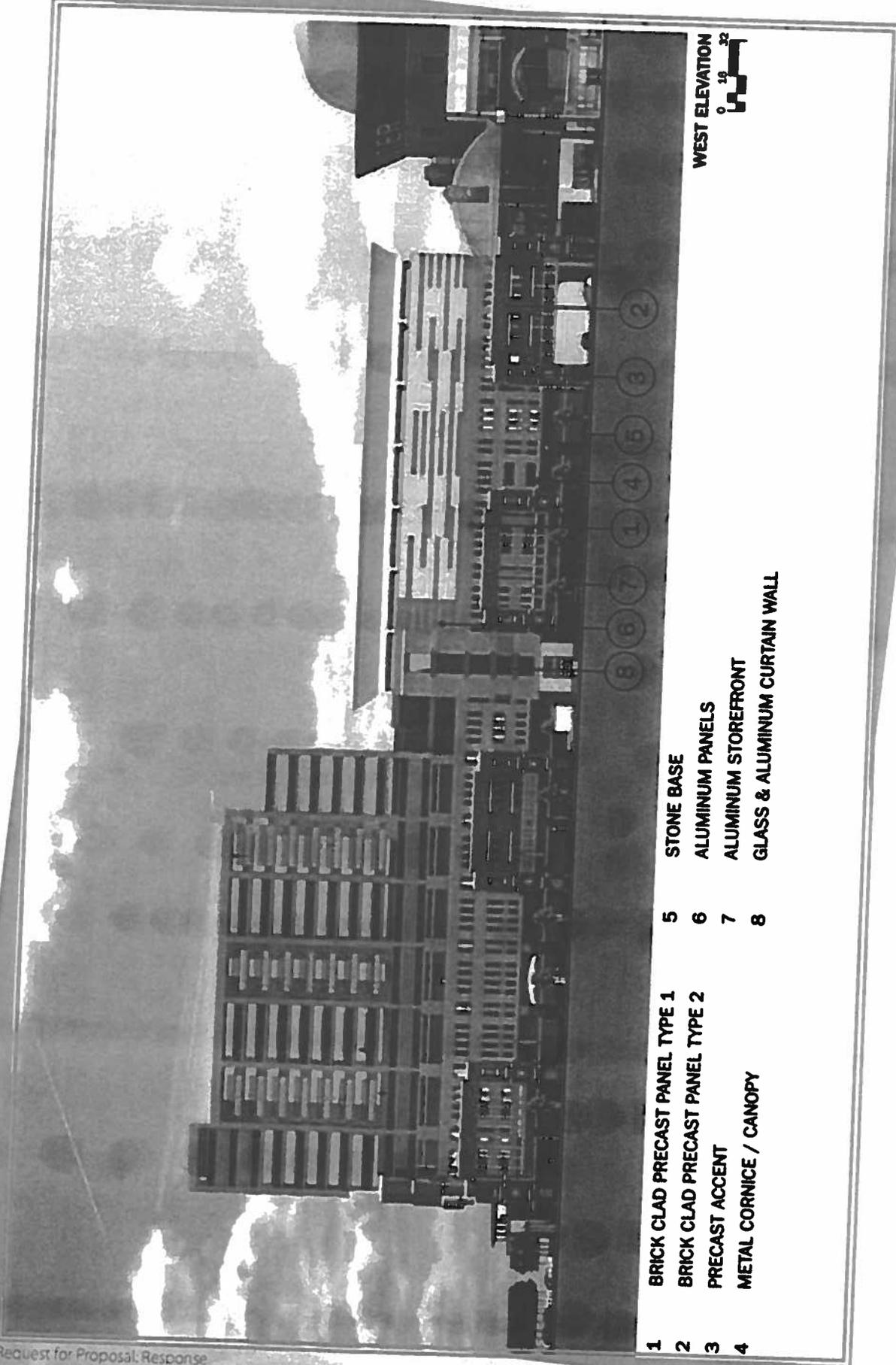


FIRST NIAGARA CENTER

- 1 BRICK CLAD PRECAST PANEL TYPE 1
- 2 BRICK CLAD PRECAST PANEL TYPE 2
- 3 PRECAST ACCENT
- 4 METAL CORNICE / CANOPY

- 5 STONE BASE
- 6 ALUMINUM PANELS
- 7 ALUMINUM STOREFRONT

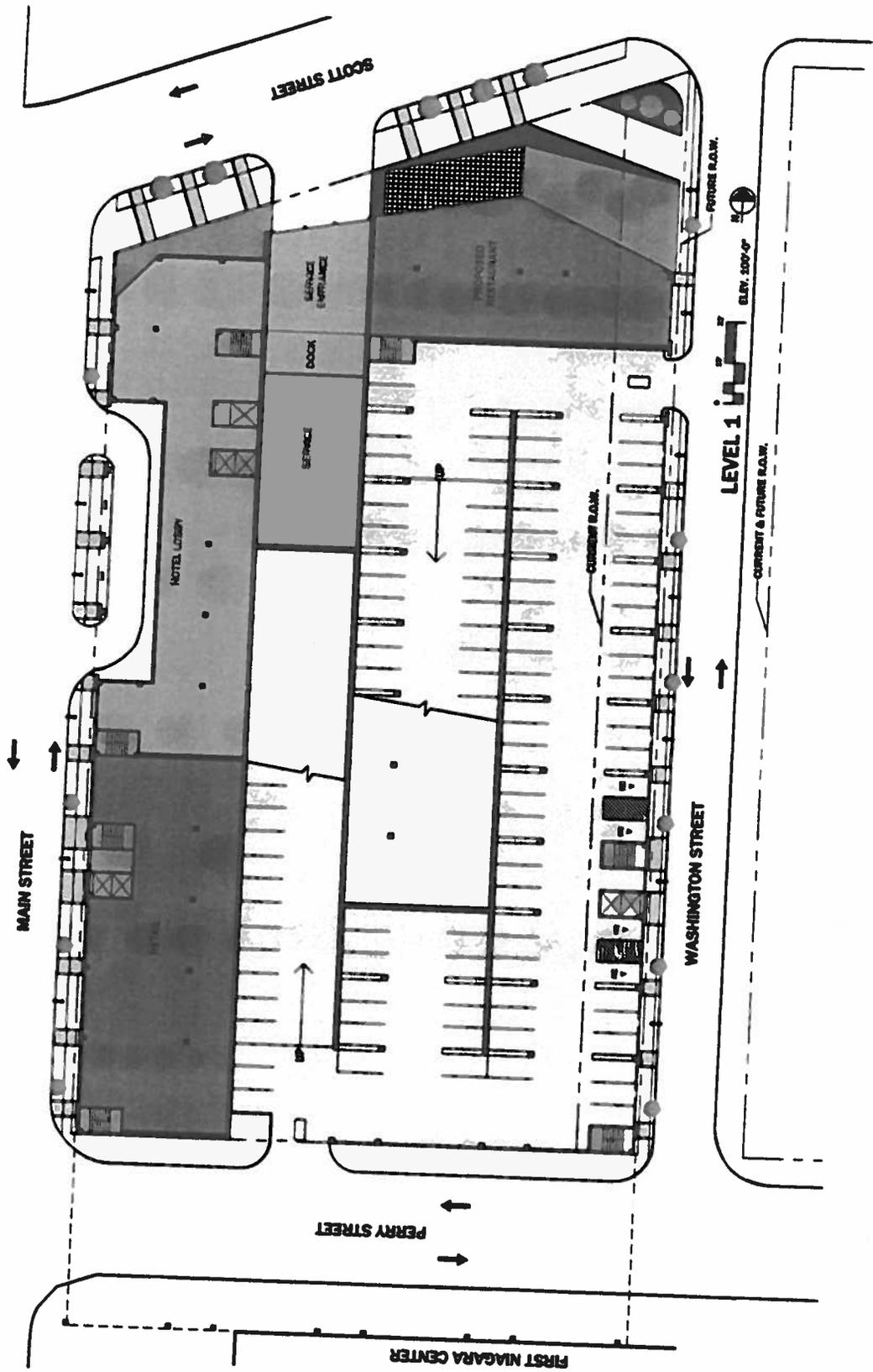
NORTH ELEVATION  
0 10 20'

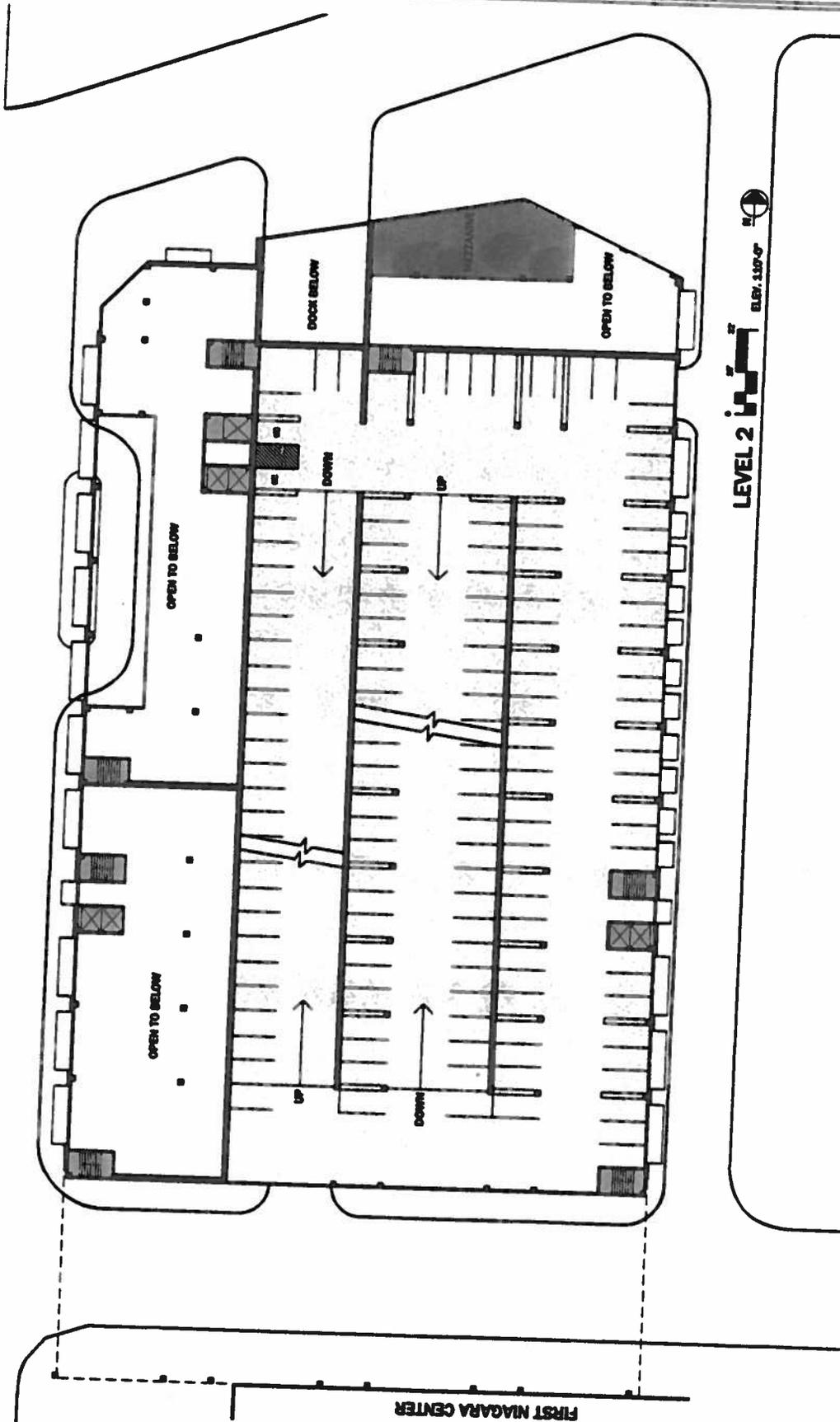


- 1 BRICK CLAD PRECAST PANEL TYPE 1
- 2 BRICK CLAD PRECAST PANEL TYPE 2
- 3 PRECAST ACCENT
- 4 METAL CORNICE / CANOPY
- 5 STONE BASE
- 6 ALUMINUM PANELS
- 7 ALUMINUM STOREFRONT
- 8 GLASS & ALUMINUM CURTAIN WALL

WEST ELEVATION  
0 10 32

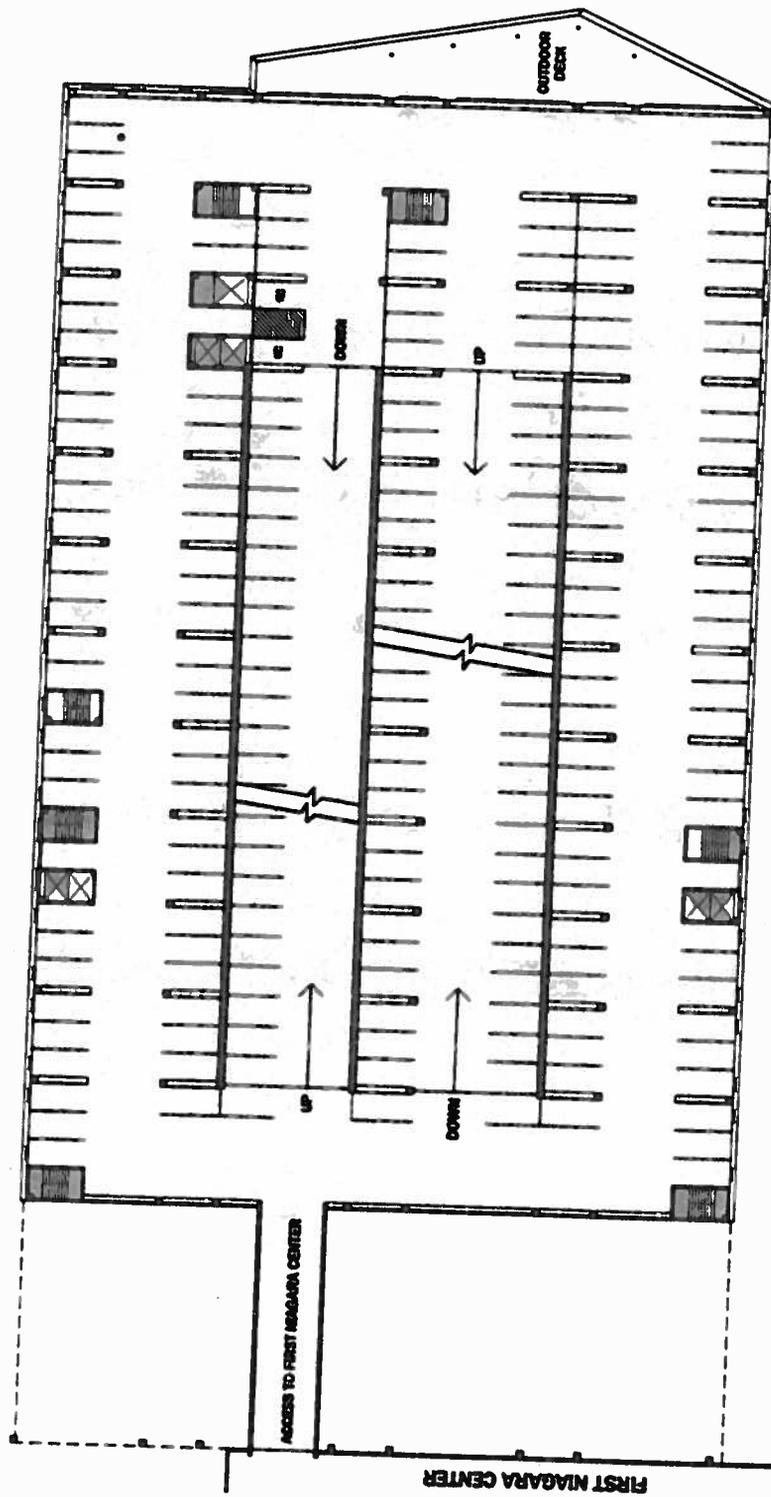
Floor plans



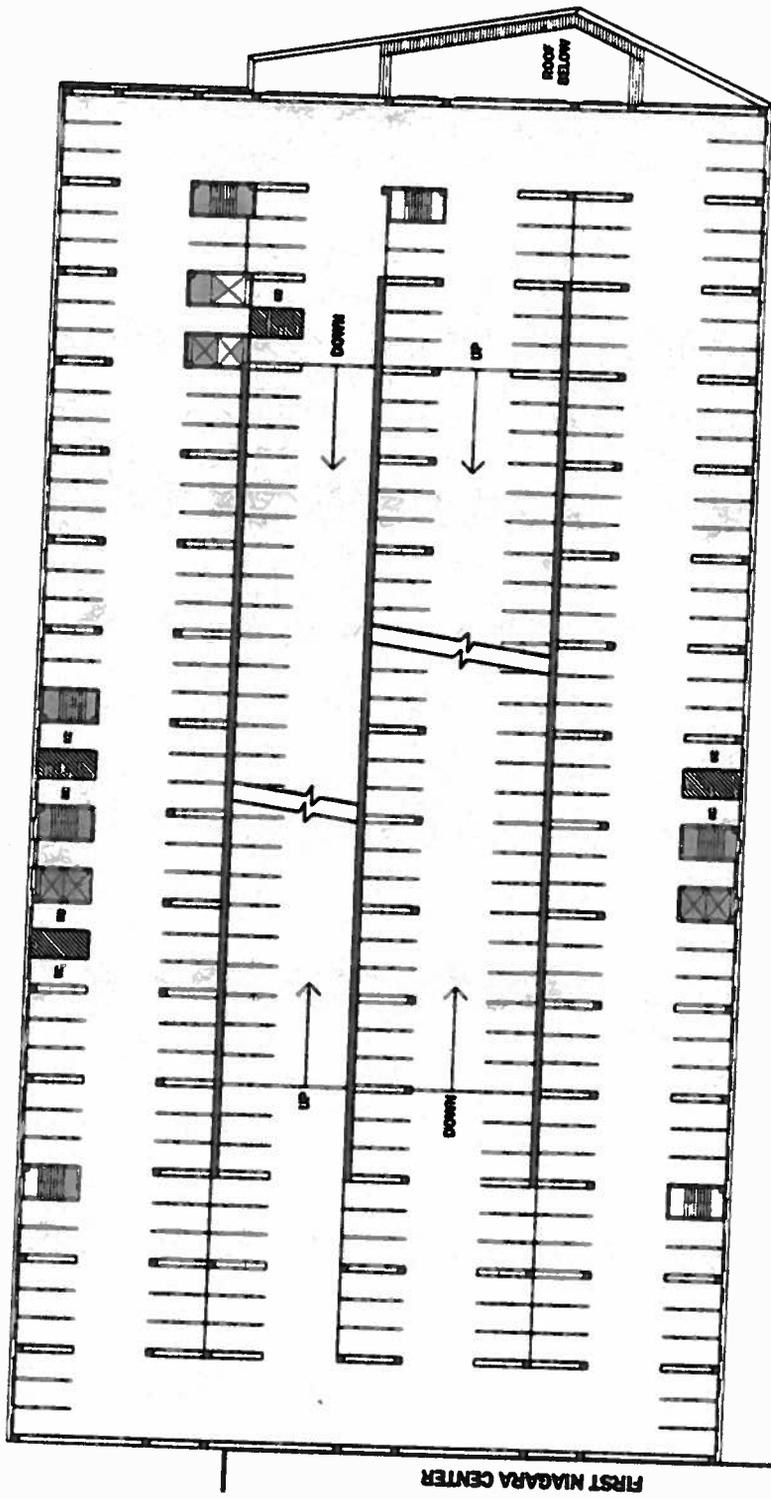


LEVEL 2 ELEV. 130'-0"

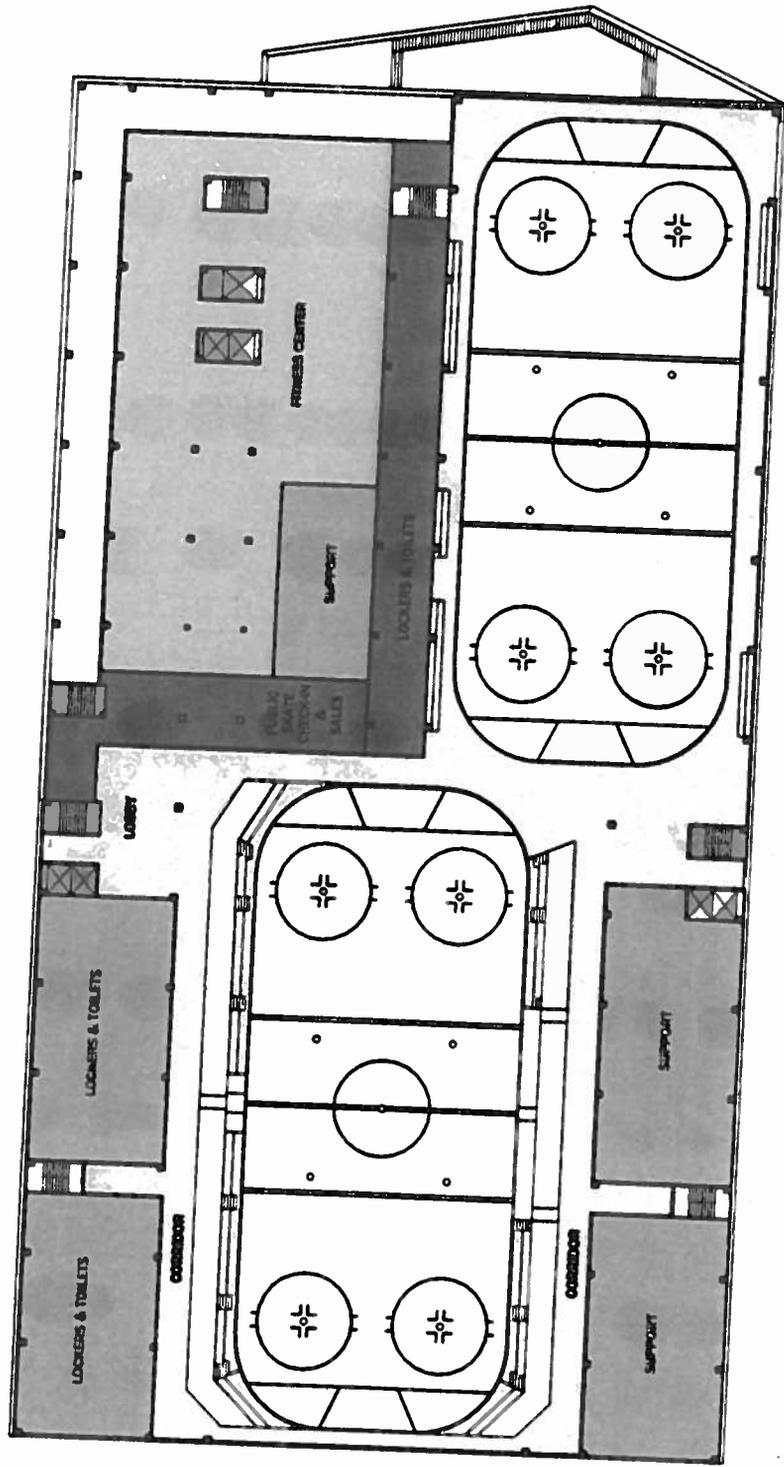
FIRST NIAGARA CENTER



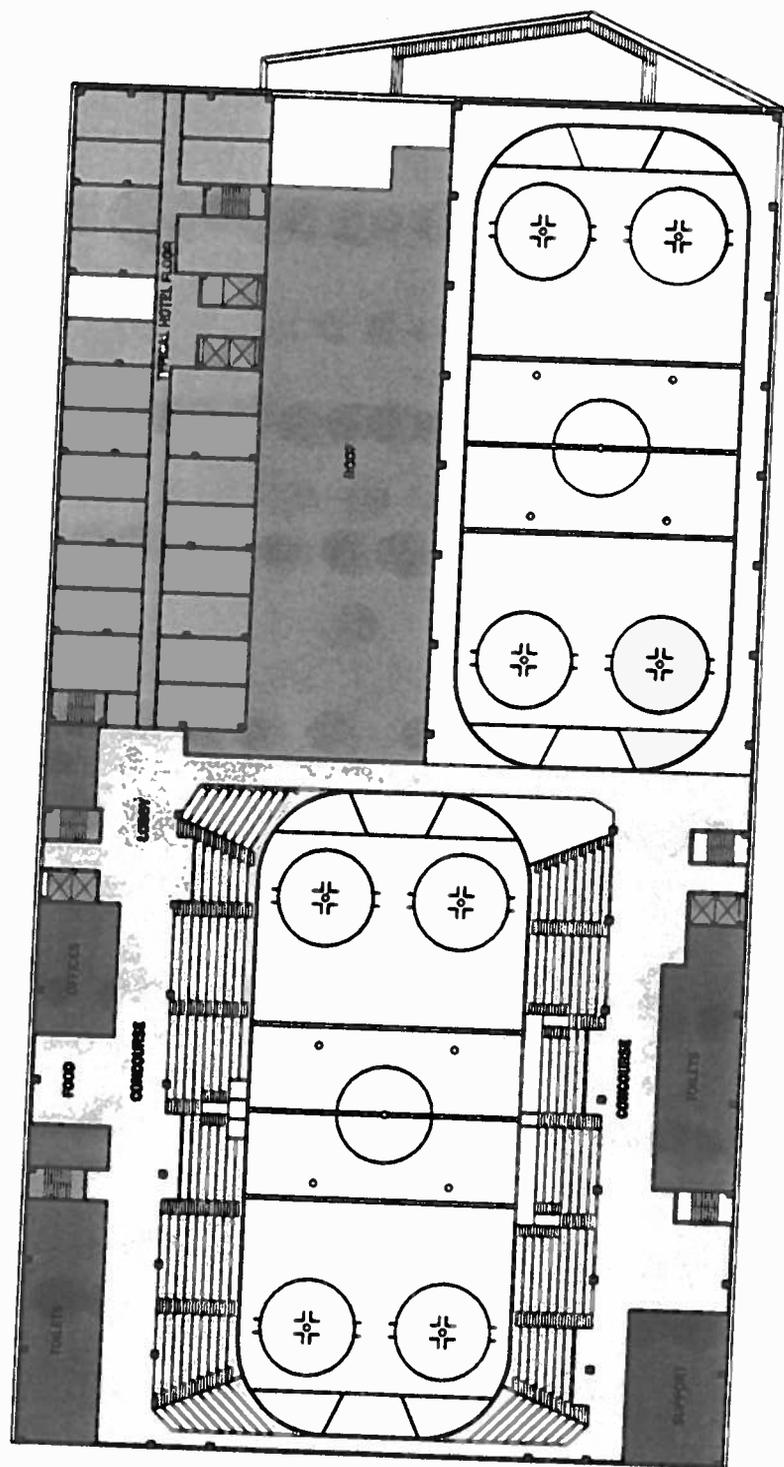
LEVEL 3  
BLK. 130-0



LEVEL 4 / 5  PLAN LEVEL 4 / 5  
 ELEV. 130'-0" / 140'-0"



**LEVEL 6**  **PLAN**



LEVEL 7  ELEV. 587'-0"

**ATTACHMENT 2**

**Part 1, Section B**

**25. Approvals Required:**

***City, Town, Village Board:***

1. Public Utility Relocations (Sewer and Water) relocation (City of Buffalo Department of Public Works, Streets and Parks and Buffalo Sewer Authority)
2. Sale/Transfer of Land (City of Buffalo Common Council)
3. Partial Street Abandonment (City of Buffalo Common Council)
4. Temporary Street Closures for Construction (City of Buffalo Common Council)
5. Air Rights/Easement over Perry Street (City of Buffalo Common Council)
6. Advisory Design Review (City of Buffalo Planning Board)

***City, County Health Department:***

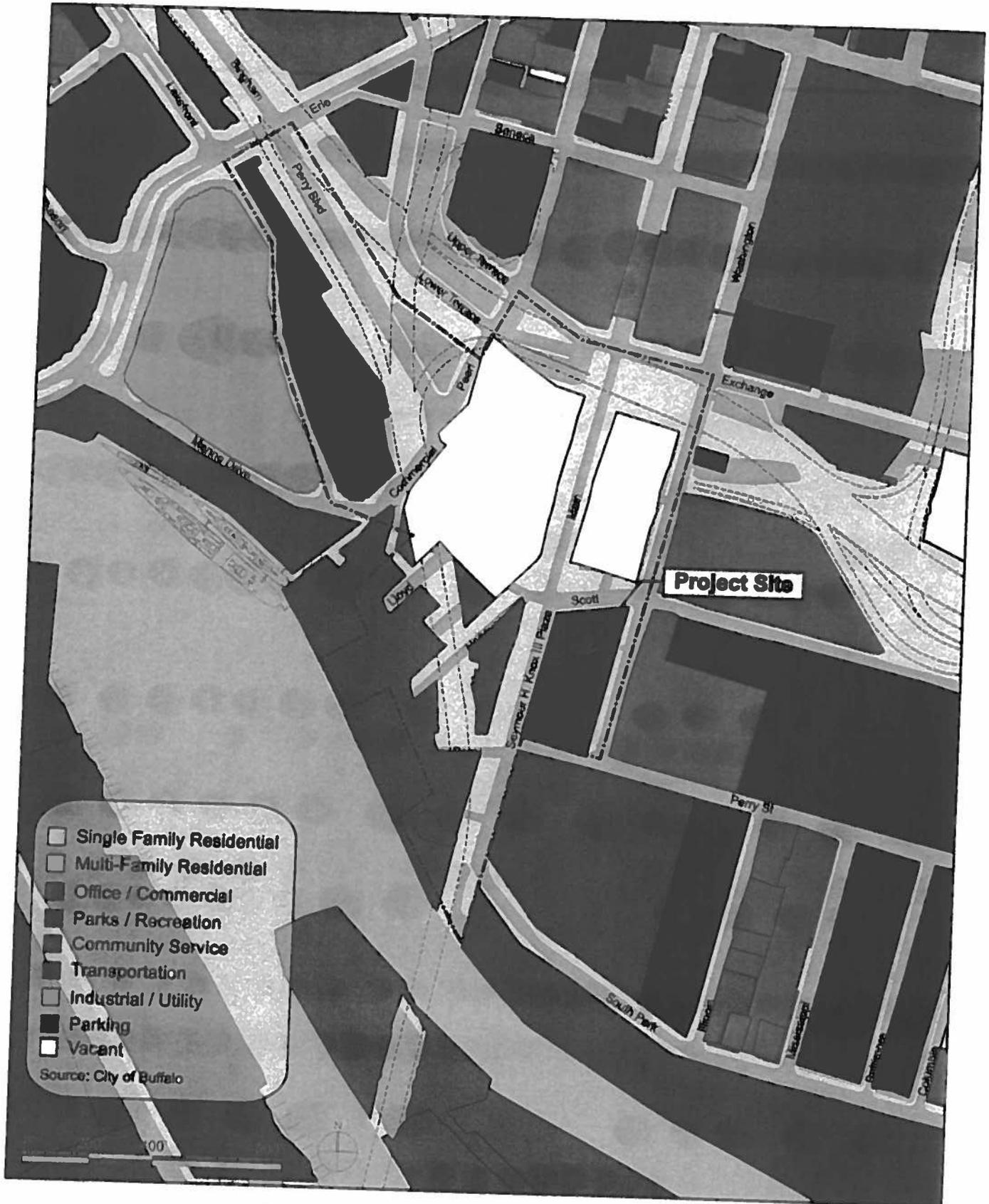
1. Sewer and Water Construction (Erie County Department of Health)

***Other Local Agencies:***

1. Real Property Tax and Sales Tax Abatement (Erie County Industrial Development Agency)

***State Agencies:***

1. General Project Plan Modification (Empire State Development Corporation)
2. Design Review (Erie Canal Harbor Development Corporation)
3. Brownfield Cleanup Tax Credits (New York State Department of Environmental Conservation)
4. Metro Rail Catenary Pole Relocation (Niagara Frontier Transportation Authority)



**ATTACHMENT 3: Existing Land Use**



**ATTACHMENT 4: Existing Zoning**

**Exhibit C**

**Excerpt from Canalside Findings Statement  
Outlining Future Project Plan Review Process**

## Part VI Threshold for Future Actions

156. Pursuant to SEQRA, agencies may prepare a GEIS when there is a need to assess a wide variety of impacts at a more conceptual level on a larger geographic area, often including cumulative impacts, rather than project-specific or site-specific EISs. As Project plans move forward, Project changes may occur as the conceptual development plan is developed into final design proposals for the well defined elements, but more likely, for the less defined components. Such changes may specifically include proposed changes to the contemplated development program.
157. The Project was evaluated utilizing a GEIS to analyze site specific impacts associated with various aspects of the Preferred Alternative as well as more long-term and/or cumulative impacts associated with future phases of Project development. Final designs for less-defined Project components as well as any proposed changes to the more well-defined elements (hereinafter referred to as "Future Project Plans.") would require further evaluation pursuant to SEQRA. ESD, as Lead Agency, would be responsible for performing an environmental review on Future Project Plans and must consider Future Project Plans proposed in relation to the Final GEIS and ESD's Final Findings Statement. Upon development of Future Project Plans, ECHDC would work with ESD to determine if the environmental impacts associated with such Future Project Plans have been adequately addressed in the FGEIS and SEQRA Findings Statement(s), taking into account whether the proposal exceeds any of the thresholds outlined below. Such a determination must be made before any Future Project Plans are approved.
158. In the event that ESD determines that: (i) the Future Project Plans would be carried out in conformance with the conditions and thresholds established in below, then no further SEQRA compliance would be required; (ii) the Future Project Plans would be carried out in conformance with the conditions and thresholds established below, but are not addressed or are not adequately addressed in this Statement of Findings, then an amended findings statement must be prepared; (iii) the Future Project Plans are not addressed or are not adequately addressed in the FGEIS for the Project, but

the proposal does not exceed any of the thresholds established below, or the proposal does exceed a threshold(s) established in below, but would not result in any significant adverse environmental impacts, then a negative declaration must be prepared; or, (iv) the Future Project Plans are not addressed or are not adequately addressed in the FGEIS for the Project and/or the proposal would exceed one of the thresholds established in below and may have one or more significant adverse environmental impacts, then a supplement to the FGEIS must be prepared.

159. Future Project Plans which exceed any one of the following conditions or thresholds shall not be considered to have been addressed by the GEIS and must be evaluated by ECHDC and ESD to determine whether additional environmental review (e.g., a Supplemental Generic Environmental Impact Statement) would be necessary:
- Project programming changes establishing development patterns exceeding the upper limits defined by the High-Density Alternative (e.g., square footages by use, increases in residential units or hotel rooms and/or increases in number of parking spaces);
  - Introduction of land uses into the Project Area that were not identified in Project programming and assessed in this GEIS;
  - Modification to or revision the Design Guidelines and/or review procedures (e.g., building materials, required design features);
  - Permanent modification/alterations to Buffalo River shoreline protection (i.e., sheet piles); Installation of permanent features in the Buffalo River;
  - Installation of marine support facilities (e.g., fuel storage/pumps, pump out stations); Accelerated construction schedules requiring 24/7 and/or weekend construction;
  - Street network modifications that would permanently reduce lane

capacity within the Project Area; Modifications to Project programming that would increase impervious surfaces and the potential for storm water runoff;

- Project programming that would directly impact architectural and archaeological resources listed on the S/NRHP that cannot be adequately mitigated;
- Modification/alteration to the former street pattern constructed as part of the Erie Canal Harbor Development Project (i.e., Hanover, Prime, and Lloyd Streets) from that approved in 2009; Improvements in the vicinity of the Skyway and the Thruway structures that have the potential to impact the structural integrity of either structure; and
- Significant changes to Project phasing that create the potential for significant adverse impacts not previously evaluated.