

November 15, 2012

**SEQRA**

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

**NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
d/b/a EMPIRE STATE DEVELOPMENT**

EGLEG 05007'12 PM 4:51

**Erie Canal Harbor Development Corporation**

**Canalside Land Use Improvement Project  
City of Buffalo, County of Erie, New York**

This notice is issued pursuant to and in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The New York State Urban Development Corporation d/b/a Empire State Development ("ESD"), as lead agency on behalf of its subsidiary, the Erie Canal Harbor Development Corporation ("ECHDC"), has determined that the adoption of a modified general project plan ("MGPP") for the Canalside Land Use Improvement Project, which would include changes in the type/level of development on the Webster Block as outlined in the proposed HARBORcenter Project and selected other site refinements (the "Project" or the "Proposed Action", as further described below) will not result in any new significant adverse impacts on the environment that were not already evaluated in the Canalside Land Use Improvement Project Final Generic Environmental Impact Statement ("FGEIS").

ESD has classified the Proposed Action as a Type 1 Action under New York State Environmental Quality Review Act (SEQRA).

**DESCRIPTION AND LOCATION OF ACTION:**

**Background**

The Canalside (formerly "Canal Side") Land Use Improvement Project ("Canalside Project" or Canalside") is being advanced by ESD and ECHDC. The Project is located on approximately 20 acres of vacant, substandard or underutilized land in downtown Buffalo, and is generally bounded by the following streets:

- On the north by Upper Terrace and Exchange Streets and Perry Boulevard;
- On the east by Washington Street and Seymour H. Knox III Plaza;

95 Perry Street, Suite 500 | Buffalo, NY 14203-3030 | (716) 846-8200

[www.esd.ny.gov](http://www.esd.ny.gov)

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- On the south by Perry Street and Buffalo River; and
- On the west by Erie Street, Marine Drive, and Pearl and Commercial Streets.

Canalside consists of public improvements along the Buffalo waterfront and ultimately new development for various year-round offerings, including restaurants, entertainment venues, retail outlets, cultural attractions, vast public spaces, and increased access to the Buffalo River, appealing to a wide demographic of visitors and residents. The Canalside Land Use Improvement Project originally proposed approximately 1.1 million square feet of commercial (retail, lodging, and office), cultural and residential space within the Canalside Project area. Originally approved in 2010 under an ESD General Project Plan (GPP), Canalside was to have been anchored by a proposed Bass Pro Outdoor World Store. However this component of the GPP was removed from the Canalside Project in October 2010 through the adoption of a Modified GPP ("MGPP").

Canalside underwent an extensive environmental review in accordance with SEQRA. This review was based upon a conceptual development plan involving both well defined elements (e.g., the Aud Block, the Donovan Block, the and the public canal system) and certain less defined components that would be designed and developed in the future such as the Erie Canal Harbor parcels and the Webster Block parcel. The FGEIS for Canalside evaluated site specific impacts associated with those well defined elements and cumulative, secondary long-term impacts associated with the less defined project components. The ESD issued the FGEIS on January 21, 2010. Mitigation measures for identified significant adverse environmental impacts from Canalside were established in the Lead Agency SEQRA Findings Statement for Canalside, which was issued on March 25, 2010.

Specific mitigation measures included adoption and implementation of Design Guidelines for development within Canalside to mitigate impacts to land use, aesthetics and community character; execution of a Letter of Resolution with the Office of Parks, Recreation & Historic Preservation ("OPRHP") establishing appropriate protocols for mitigation of impacts to cultural resources; roadway network and operation improvements to mitigate impacts to the transportation network; certification of all development pursuant to LEED to mitigate impacts to energy and the environment; floodplain and stormwater mitigation requirements; implementation of certain protocols to mitigate impacts from development on sites with contaminated soils; noise mitigation and implementation of various protocols to mitigate impacts from construction activities associated with Canalside.

Because the SEQRA review involved a "generic" EIS, it listed thresholds for subsequent review as more defined elements of the plan advanced to implementation. The findings also established protocols and procedures to follow in the event of changes and refinements to the levels of development analyzed in the FGEIS.

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The FGEIS for Canalside assumed a level of development on the Webster Block consisting of as much as:

- 30,000 square feet of retail space;
- 160,000 square feet of office space;
- 180 hotel rooms;
- 65 residential units; and
- 500 structured parking spaces.

In September 2012, following a competitive procurement process, the City of Buffalo selected HARBORcenter Development LLC, an investment group led by the owners of the Buffalo Sabres National Hockey League team, to undertake a development ("HARBORcenter Project") on a land parcel within the Canalside area known as the "Webster" Block, (bounded by Washington Street, Perry Street, Seymour H. Knox III Plaza [Main Street] and Scott Street). As described below, the development plan for the HARBORcenter Project on the Webster Block differs from the assumptions, and in some cases the thresholds, established for the FGEIS for Canalside. In addition, ESD is adopting a series of smaller refinements to selected features of Canalside (which are described further below). Together with anticipated changes to the development of the Webster Block, ESD is adopting a new MGPP for Canalside incorporating these planned changes.

In such a case, the SEQRA findings for Canalside call for a protocol to undertake a supplemental evaluation through a full Environmental Assessment Form ("EAF") with appropriate supporting analysis to determine whether these differences would result in any significant impacts that were not addressed in the FGEIS and/or would be addressed through already-adopted mitigation measures documented in the Lead Agency SEQRA Findings Statement. If such changes result in significant new adverse impacts that cannot be addressed through already-adopted mitigation, the Project must undergo a supplemental environmental impact statement.

On October 5, 2012, ESD distributed a Notice of Lead Agency Designation and Project Update declaring its intent to re-establish itself as Lead Agency for the Proposed Action and detailing the proposed changes to the MGPP. This notice, which was sent to all interested and involved agencies, included a Letter of Intent from the HARBORcenter Project Sponsor summarizing the proposed HARBORcenter Project and detailed the process by which ESD, as Lead Agency, would conduct the SEQRA analysis for the Proposed Action. ESD requested that each interested and involved agency provide ESD with any comments or concerns relative to the proposed SEQRA process and/or the Proposed Action. No interested or involved agency raised any concerns or

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objected to ESD re-establishing itself as Lead Agency. Thus, ESD is the Lead Agency for purposes of the SEQRA process for the Proposed Action.

**Proposed Action**

The Proposed Action involves adoption of a revised MGPP for Canalside that incorporates the anticipated type and level of development on the Webster Block as outlined in the proposed HARBORcenter Project and refinements to selected components of the Canalside program, as further described below:

- **HARBORcenter Project.** The HARBORcenter Project is proposed to be developed on the City of Buffalo-owned parcel known as the Webster Block. The anticipated space program and components of HARBORcenter are based upon a preliminary set of development plans that are now advancing into final design. It will feature a world-class hockey facility with two ice rinks. In addition to the new 1,800- and 200-seat rinks, the Project as currently envisioned includes a parking garage that can accommodate +/- 965 vehicles, a +/- 200-room hotel, and approximately 15,000 square feet of retail/restaurant uses.
- **Prime Slip.** This feature, which was to be one of the interpretive water features (i.e., "canals") in the previous MGPP for Canalside, is no longer being considered. Similar to the approach used in the 2004 Master Plan for the Erie Canal Harbor, the Prime Slip would be evoked through an interpretive pathway over the its former alignment, linking the Central Wharf with the Aud Block. It would nevertheless maintain the pedestrian opportunities for exploring the Project area and would continue to be envisioned as part of a public interpretative corridor to be utilized to educate the public on aspects of the Prime Slip.
- **East Canal.** The design of a portion the "East Canal" that would cross the Donovan Block (involving an interpretation of the former Main and Hamburg Canal) has been slightly refined from that contemplated in the last MGPP. Originally to be interpreted as a "dry" canal bed that would be focal point for a public gathering space, more detailed planning/design analyses have since been performed. The current design would now involve an interpretation consisting partially of a water feature near Main Street (i.e., evoking the continuation of the Main and Hamburg Canal from the Aud Block), then transitioning to a "dry" rectangular plaza following the centerline of the former canal. The "dry" portion of the plaza would be reinforced through paving and landscape features. The refined design of the "East Canal" will be subject to review by the Design Review Committee in accordance with the Canalside Design Guidelines.
- **Commercial Slip Parking Garage.** This facility is still under consideration for construction on the current Marine Drive Apartments' surface lot. Originally anticipated to consist of six levels and approximately 1,280 spaces, the garage was previously tied to the development of a Bass Pro Outdoor World Store the Aud Block. With the elimination of Bass Pro as a

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component of Canalside, the size of the potential parking structure has been reduced to accommodate approximately 900 cars. Furthermore, construction of the structure would only be considered at a later date, depending on Project needs as future development progresses. As such, federal funds previously earmarked for Canalside are no longer being considered to develop this planned parking garage. Rather, those federal funds will be used by ECHDC for other federally-approved projects within the vicinity of Buffalo's waterfront. The non-federal funding available in this MGPP would be used toward the future construction of the Commercial Slip parking structure or other parking projects within the Canalside area.

Based on Part 1 of the full EAF, and an analysis of the Canalside FGEIS thresholds and the Lead Agency SEQRA Findings Statement mitigation measures, the following relevant environmental concerns for the adoption of the revised MGPP were identified for further analysis:

- Impacts to land;
- Impacts to water resources associated with storm water runoff;
- Impacts to air quality;
- Impacts to aesthetic resources (including consistency with established design/architectural guidelines);
- Impacts to cultural resources;
- Impacts to transportation resources;
- Noise impacts;
- Impacts from handling of hazardous materials;
- Social and economic impacts; and
- Construction-related impacts.

A comprehensive environmental analysis of each of these relevant areas of environmental concern has been prepared in the form of a Full Environmental Assessment Form and Supporting Analysis ("Analysis") dated October, 2012. The Analysis includes detailed information on impacts from land use changes associated with the Proposed Action; impacts to air quality associated with increases in traffic levels associated with the Proposed Action; impacts to aesthetic resources including massing models for the Proposed Action; impacts to transportation resources including a detailed traffic analysis for the revised MGPP taking into account changes to proposed development in the area surrounding Canalside; impacts from

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handling potentially contaminated soils; and construction related impacts. The Analysis also examines the HARBORcenter Project's consistency with various mitigation requirements established for Canalside in the Lead Agency Findings Statement including consistency with stormwater mitigation measures; consistency with the Canalside Design Guidelines; consistency with the OPRHP Letter of Resolution; and consistency with noise mitigation requirements. The Analysis also provides an update to the economic impact analysis associated with the Project which shows that the economic benefits to the community increase under the revised MGPP.

On October 26, 2012, ESD distributed the Analysis to all interested and involved agencies requesting that each such agency review the Analysis and provide any comments regarding potential adverse environmental impacts associated with the Proposed Action by November 13, 2012. {brief summary of comments received to date}.

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

ESD has reviewed the SEQRA full EAF and Supporting Analyses, the comments from interested and involved agencies and the criteria contained in Part 617.7(c) of the SEQRA Regulations in making this Determination. The analyses contained in the full EAF and Supporting Analyses are incorporated into this determination of no significant effect and summaries of the reasons supporting the determination of no significant effect are presented in the following paragraphs.

- **Impacts to Land.** The Proposed Action would not result in any significant new impacts to land use resources or development regulations that were not already evaluated in the Canalside Project FGEIS. While slightly differing from the assumptions set forth for the Webster Block and in selected other areas of Canalside (e.g., the inclusion of a hockey complex containing two National Hockey League sized ice rinks; +/- 400 additional parking spaces, an increase in the number of hotel rooms, a decrease in the retail square footage and the elimination of office space), the Proposed Action would nevertheless advance the purpose and intents of the MGPP objectives regarding land use by fostering economic development and expanding public use and enjoyment of the Erie Canal Harbor area. Canalside also remains well below the full build-out thresholds analyzed in the FGEIS as substantial portions of the Canalside project area are yet to be developed.
- **Impacts to Water Resources Associated with Storm Water Runoff.** The Proposed Action would not result in any significant new water quality impacts that were not already evaluated in the Canalside Project FGEIS. The HARBORcenter Project Sponsor will fully follow already-adopted standards for storm water mitigation in the final design of that Project component.
- **Impacts to Air Quality.** The Proposed Action would not result in any significant new air quality impacts that were not already evaluated in the Canalside Project FGEIS. An air quality analysis was conducted to determine whether the proposed development would

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create significant impacts to air quality in comparison to the Canalside FGEIS analysis. The analysis found that no significant carbon monoxide impacts would occur and mitigation would not be required. Although the level of development anticipated under the HARBORcenter Project would generate traffic that would result in slight changes in air emissions and concentrations, no location would exceed federal standards for air quality.

- **Impacts to Aesthetic Resources.** The Proposed Action would not result in any significant new impacts to aesthetic resources that were not already evaluated in the Canalside Project FGEIS. The proposed Project would advance the purpose and intents of the MGPP objectives regarding urban design and visual character of the Canalside area. While the proposed preliminary design of HARBORcenter would in some cases not strictly conform to certain requirements of the Canalside Design Guidelines, these deviations would not result in any significant aesthetic impacts. The proposed HARBORcenter preliminary design also introduces two new design elements that were not considered during the SEQRA review of Canalside—specifically use of the air space above Perry Street and a narrowing of one block of Washington Street—however these features would not result in any significant new adverse impacts. Final design of the HARBORcenter, as well as any final plans for refinements to the East Canal and the Prime Slip, would be undertaken in the context of a prescribed Canalside design review process. The HARBORcenter Project Sponsor proposes to expand this process for that particular component to ensure that a consensus is reached on its final design. In turn, public review of the HARBORcenter final design features involving building over Perry Street and narrowing Washington Street would be undertaken by the Buffalo Common Council.
- **Impacts to Cultural Resources.** The Proposed Action not result in any significant new impacts cultural resources that were not already evaluated in the Canalside Project FGEIS, insofar as the HARBORcenter Project involves the same level of ground disturbance on the Webster Block as was envisioned under the Canalside Project and the locations of the other Canalside refinements are in areas where cultural resources have already been investigated and cleared. The HARBORcenter Project Sponsor will fully follow stipulations related to the Webster Block in the already-approved Letter of Resolution with the New York State Office of Parks, Recreation and Historic Preservation in accordance with Section 14.09 of the New York State Historic Preservation Act. The Project Sponsor began work on the Phase 2 Cultural Resources Investigation for the Webster Block on October 10, 2012. All investigations on the Webster Block, and if required, any mitigation will be completed prior to completion of HARBORcenter.
- **Impacts to Transportation Resources.** The Proposed Action would not result in any significant new impacts to traffic or transportation resources that were not already evaluated in the Canalside FGEIS. A focused traffic study was prepared to assess

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potential impacts from the HARBORcenter Project in comparison to the Canalside FGEIS analysis and found some variances, but generally similar operation levels at the targeted analysis intersections. The traffic study findings are generally similar to those contained in the Canalside FGEIS and potential impacts are adequately mitigated by measures identified in the Canalside FGEIS. The HARBORcenter Project could involve potential site-specific effects to certain bus operations; the Project Sponsor will engage NFTA officials to fully evaluate these conditions and propose measures to adequately accommodate bus movements. HARBORcenter would also result in some variations in out-year traffic impacts; these would be adequately addressed through implementation of already-adopted and/or refined mitigation measures including traffic monitoring requirements established in the Lead Agency Findings Statement.

- **Noise Impacts.** The Proposed Action would not result in any significant new impacts with regard to noise exposure. The hotel component of HARBORcenter would at a minimum adhere to the noise mitigation measures described in the Lead Agency Findings Statement.
- **Impacts from Handling of Hazardous Materials.** The Proposed Action would not result in any significant new impacts to the handling of hazardous materials that were not already evaluated in the Canalside FGEIS. Based on the desire of the HARBORcenter Project Sponsor to participate in the New York State Brownfield Cleanup Program (BCP), already-adopted mitigation measures for hazardous waste/contaminated materials would be fully followed.
- **Social and economic impacts.** The Proposed Action would not result in any significant new impacts to social and economic resources that were not already evaluated in the Canalside FGEIS. While slightly differing from the analysis set forth in the Canalside FGEIS—as a result of elimination of Bass Pro as a project component and variations in proposed HARBORcenter uses—the Proposed Action would nevertheless advance the social and economic purpose and intents of the MGPP objectives and not result in any negative social or economic impacts. In fact, economic benefits to the community will actually increase under the revised MGPP.
- **Construction-related impacts.** The Proposed Action would not result in any significant new construction impacts that were not already evaluated in the Canalside FGEIS. The Project Sponsor for HARBORcenter will fully follow already-adopted standards for mitigation and/or introduce refined measures to address all possible effects during the construction period. While the proposed Project may require weekend construction that was not considered during the SEQRA review of Canalside, these construction activities would not result in significant new adverse impacts. The Project Sponsor would consult with the ECHDC regarding weekend events at the Erie Canal Harbor and obtain a permit

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from the Commissioner of the Department of Public Works, Parks and Streets as per the provisions of the City of Buffalo Noise Code.

**SUMMARY:**

ESD has determined, based on the foregoing analysis, that adoption of the revised MGPP for Canalside, including the proposed HARBORCENTER project and selected other refinements:

- 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; and

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- **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;**

**Based on the full EAF and the Supporting Analyses, and consideration of the criteria for determining significance contained in Part 617.7(c) above, ESD has determined that the Proposed Action would not result in any new significant adverse effects on the environment that were not already evaluated in the Canalside FGEIS.**

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**FOR FURTHER INFORMATION:**

**Contact Person:** Stephen F. Gawlik, Esq.  
Empire State Development

**Address:** 95 Perry Street  
Buffalo, New York 14203

**Phone No:** 716-846-8200

**COPIES OF THIS NOTICE SENT TO:**

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

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

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

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

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

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

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

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

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

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

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

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

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

**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 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**

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

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

**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. Mayor 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**

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

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

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



**New York State Environmental Quality Review Act  
Full Environmental Assessment Form and Supporting Analysis**

**Proposed Action:**

**HARBORcenter Project  
Buffalo, Erie County, New York**

**October 2012**

**Lead Agency: New York State Urban Development Corporation  
d/b/a Empire State Development**

**Contact: Stephen F. Gawlik, Esq.  
Empire State Development  
95 Perry Street  
Buffalo, New York 14203  
716-846-8200**

**Project Sponsor: Clifford G. Benson  
HARBORcenter Development, LLC  
First Niagara Center  
1 Seymour H. Knox III Plaza  
Buffalo, New York 14203**

**Prepared By: **PARSONS  
BRINCKERHOFF****



**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

Modified General Project Plan: Canalside Project - HARBORcenter Project, Buffalo, NY

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Name of Action

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

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Name of Lead Agency

William B. Hoyt III

Regional President

---

Print or Type Name of Responsible Officer in Lead Agency

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Title of Responsible Officer

---

Signature of Responsible Officer in Lead Agency

---

Signature of Preparer (if different from responsible officer)

November 15, 2012

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Date



**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.

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- 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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**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

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Name of Action

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

---

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

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Signature of Preparer (if different from responsible officer)

**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 H. Knox III Plaza.

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  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- 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:

[Empty box for explanation]

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.

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Full Environmental Assessment Form (EAF)  
And Supporting Analysis  
HARBORcenter Project  
Buffalo, Erie County, New York**

**ATTACHMENT 1**

**Preliminary Site Plans and Renderings**

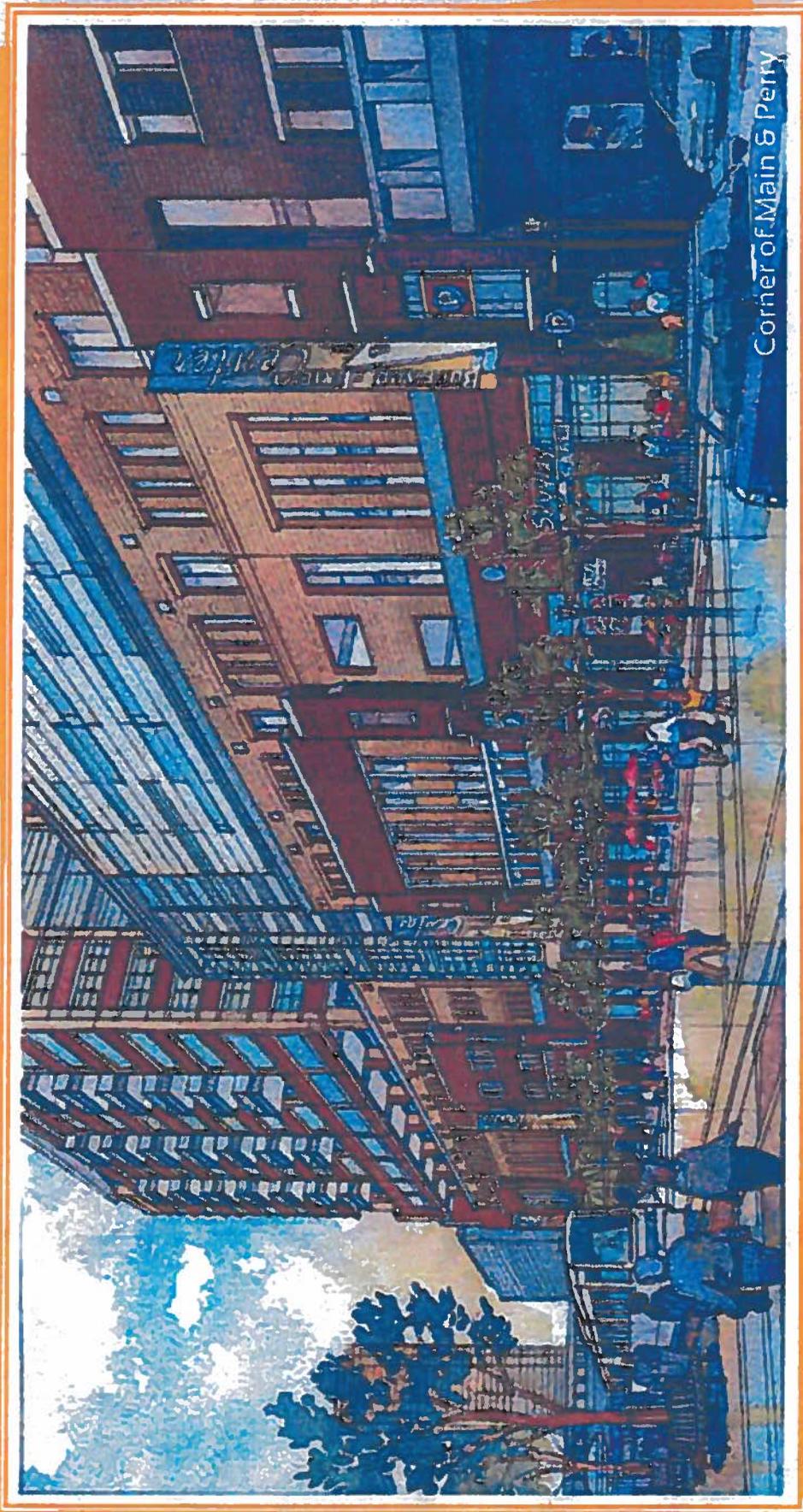
Perspective renderings



CORNER OF SCOTT & MAIN STREET VIEW



AERIAL VIEW LOOKING SOUTHWEST



Corner of Main & Perry

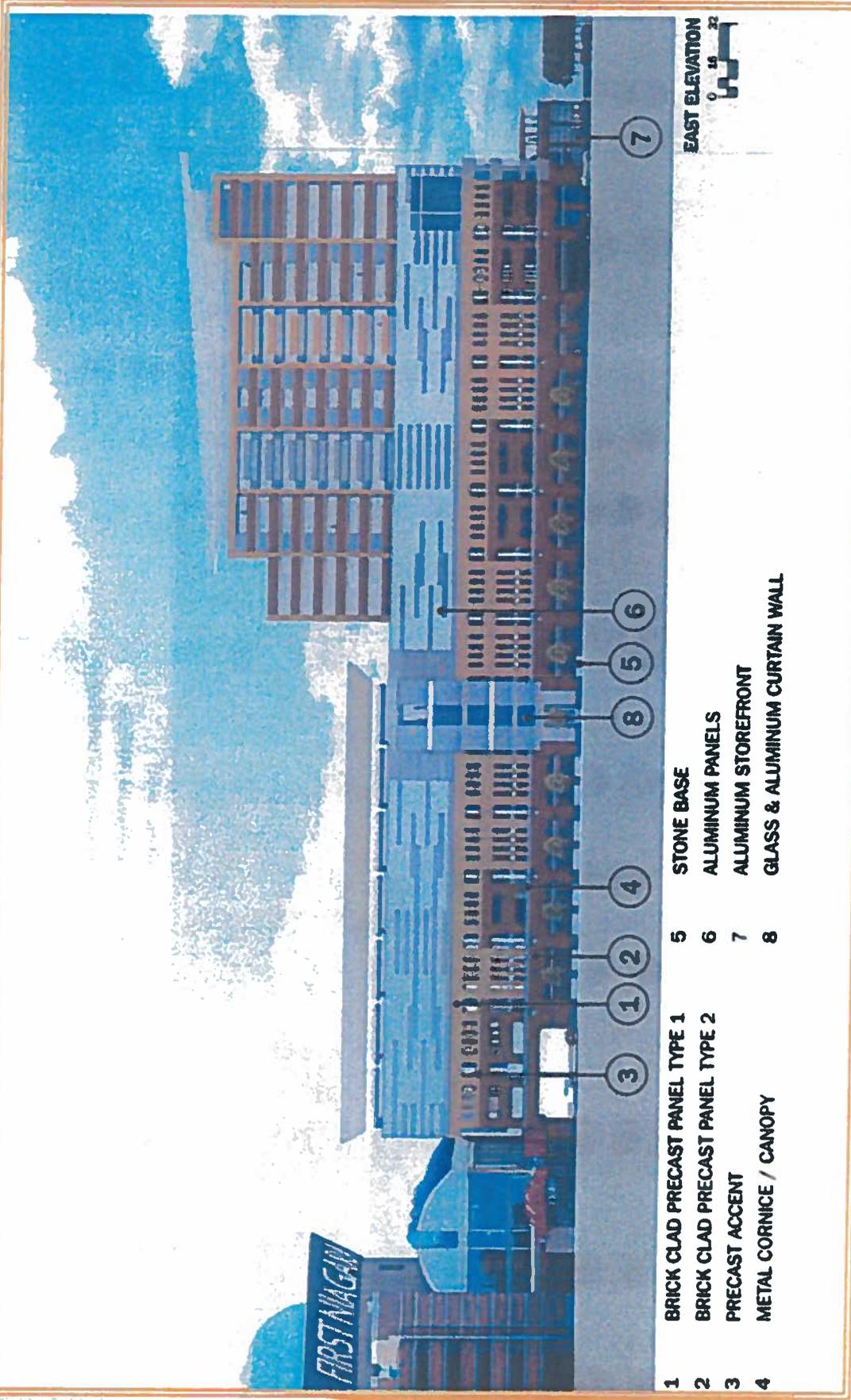


Corner of Washington & Scott



Main ice sheet

**Building elevations**

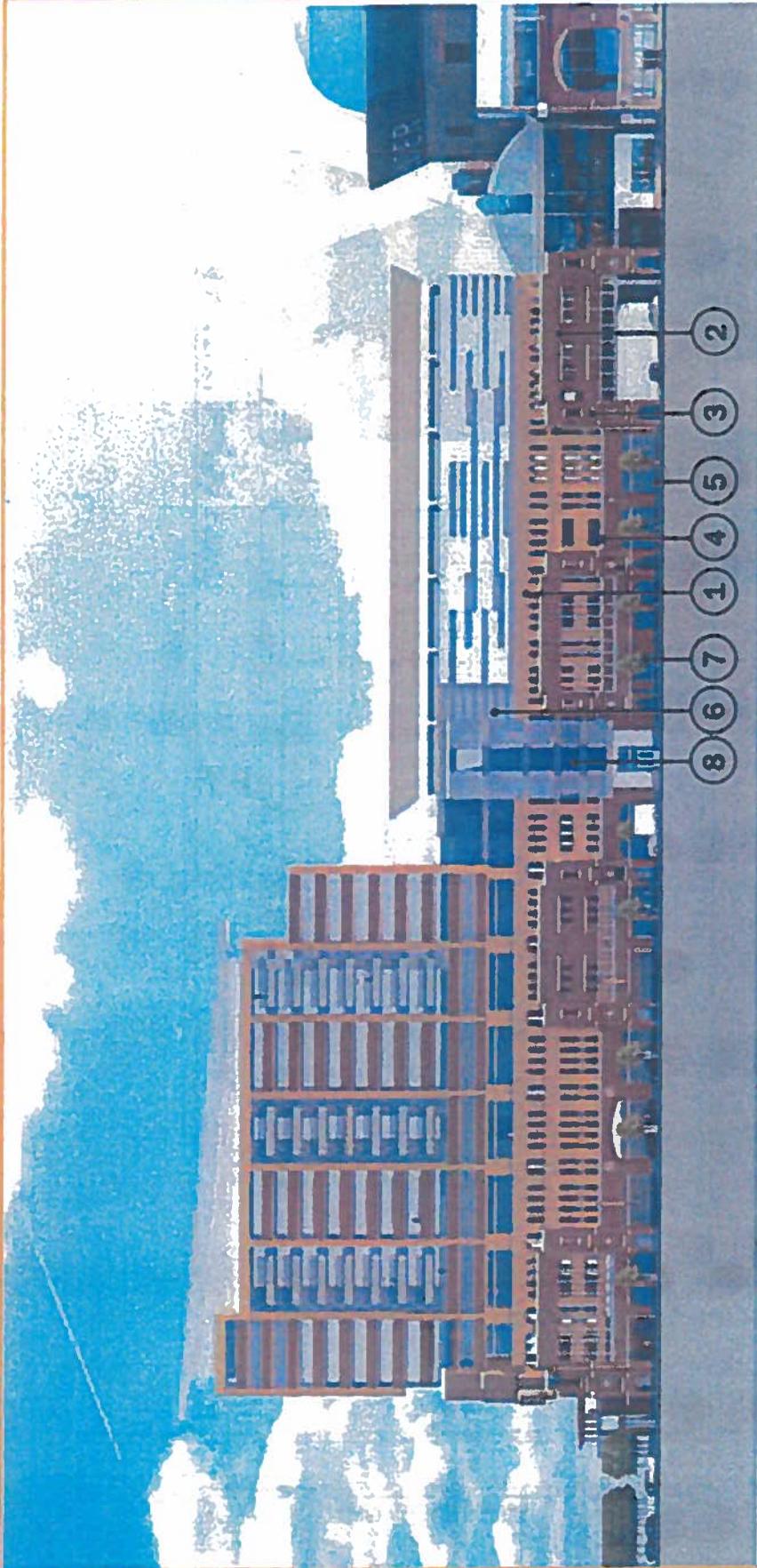


- |   |                                 |   |                               |
|---|---------------------------------|---|-------------------------------|
| 1 | BRICK CLAD PRECAST PANEL TYPE 1 | 5 | STONE BASE                    |
| 2 | BRICK CLAD PRECAST PANEL TYPE 2 | 6 | ALUMINUM PANELS           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



**NORTH ELEVATION**

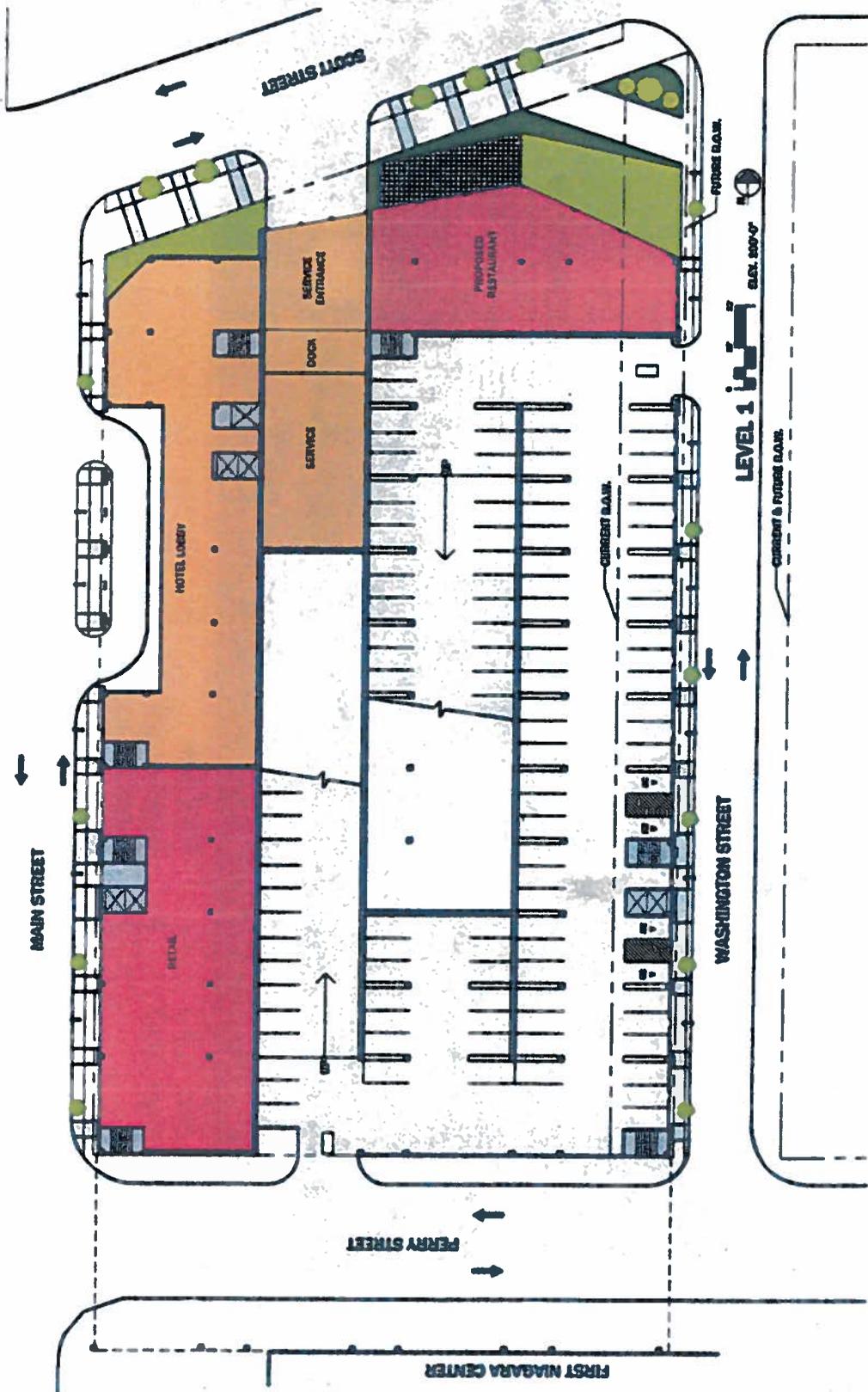
- 1 BRICK CLAD PRECAST PANEL TYPE 1
- 2 BRICK CLAD PRECAST PANEL TYPE 2
- 3 PRECAST ACCENT
- 4 METAL CORNICE / CANOPY
- 5 STONE BASE
- 6 ALUMINUM PANELS
- 7 ALUMINUM STOREFRONT



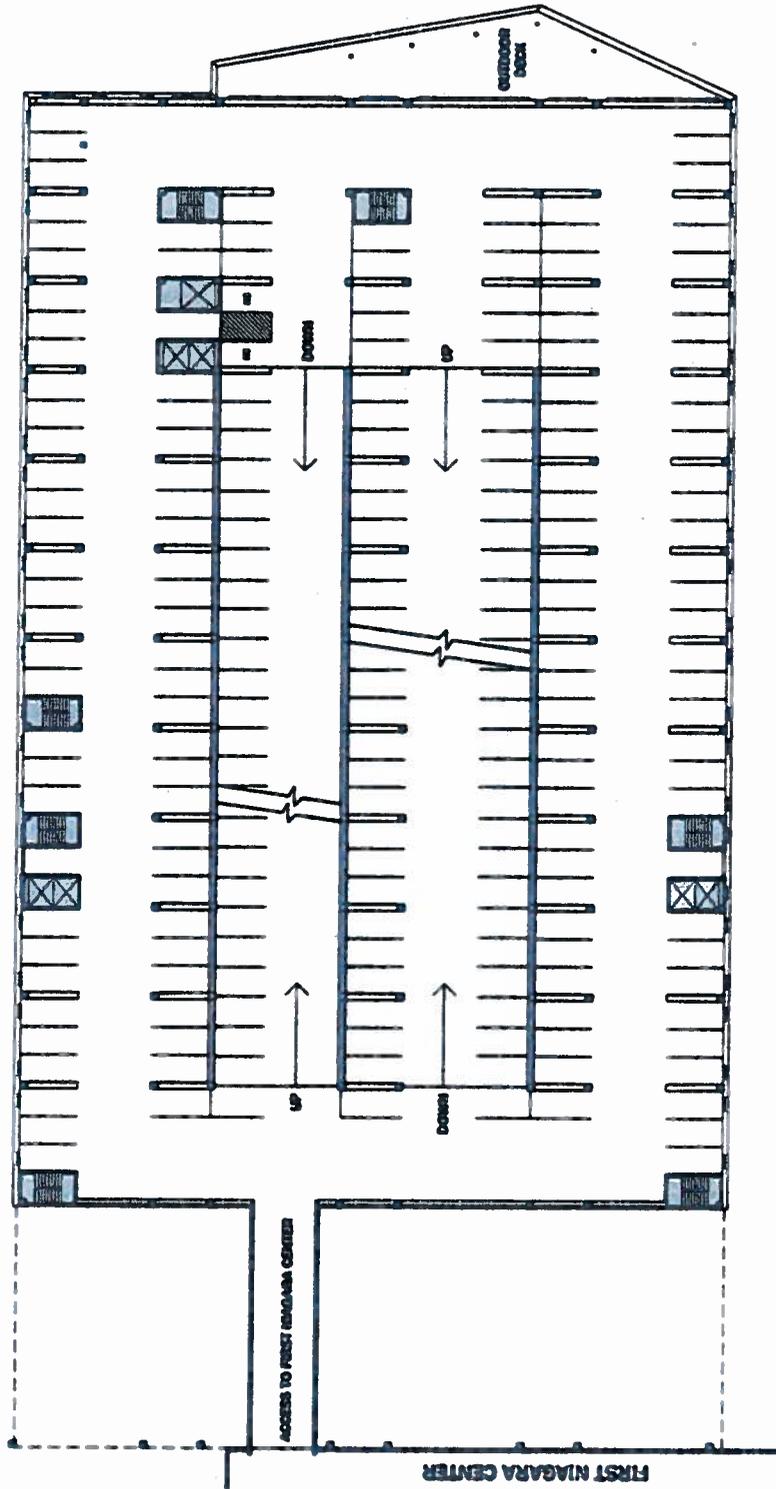
WEST ELEVATION

- 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

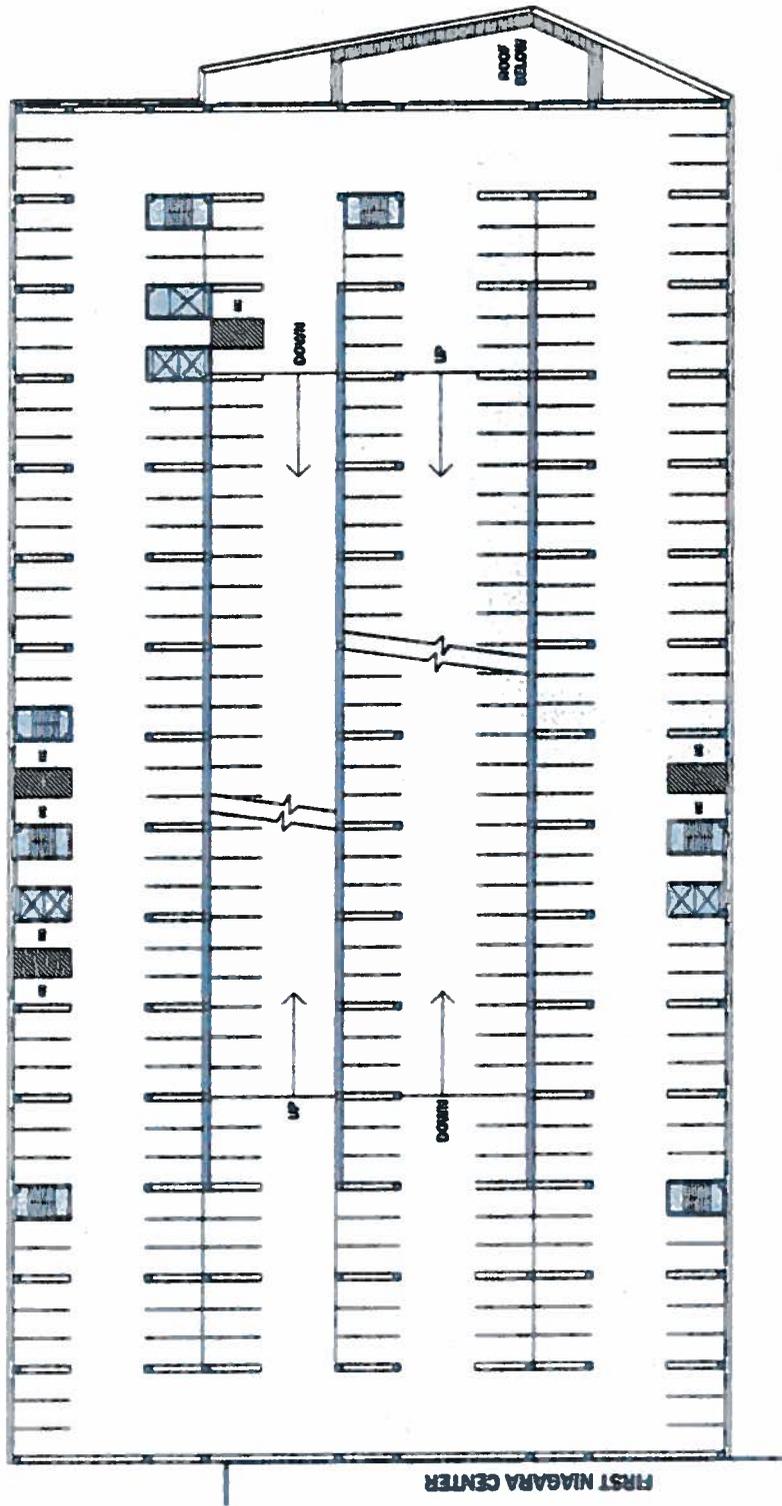
Floor plans





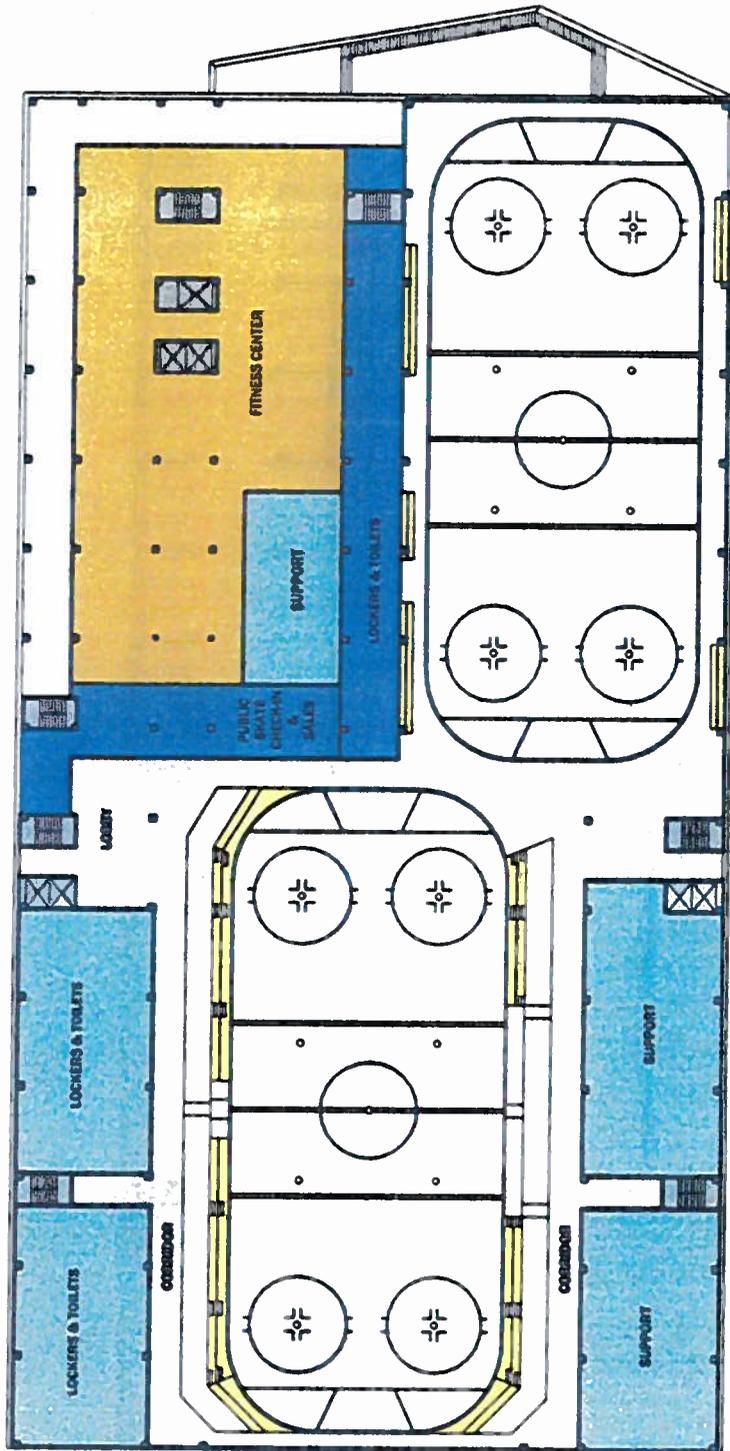


LEVEL 3  S.A.S. 1:50' = 1" 

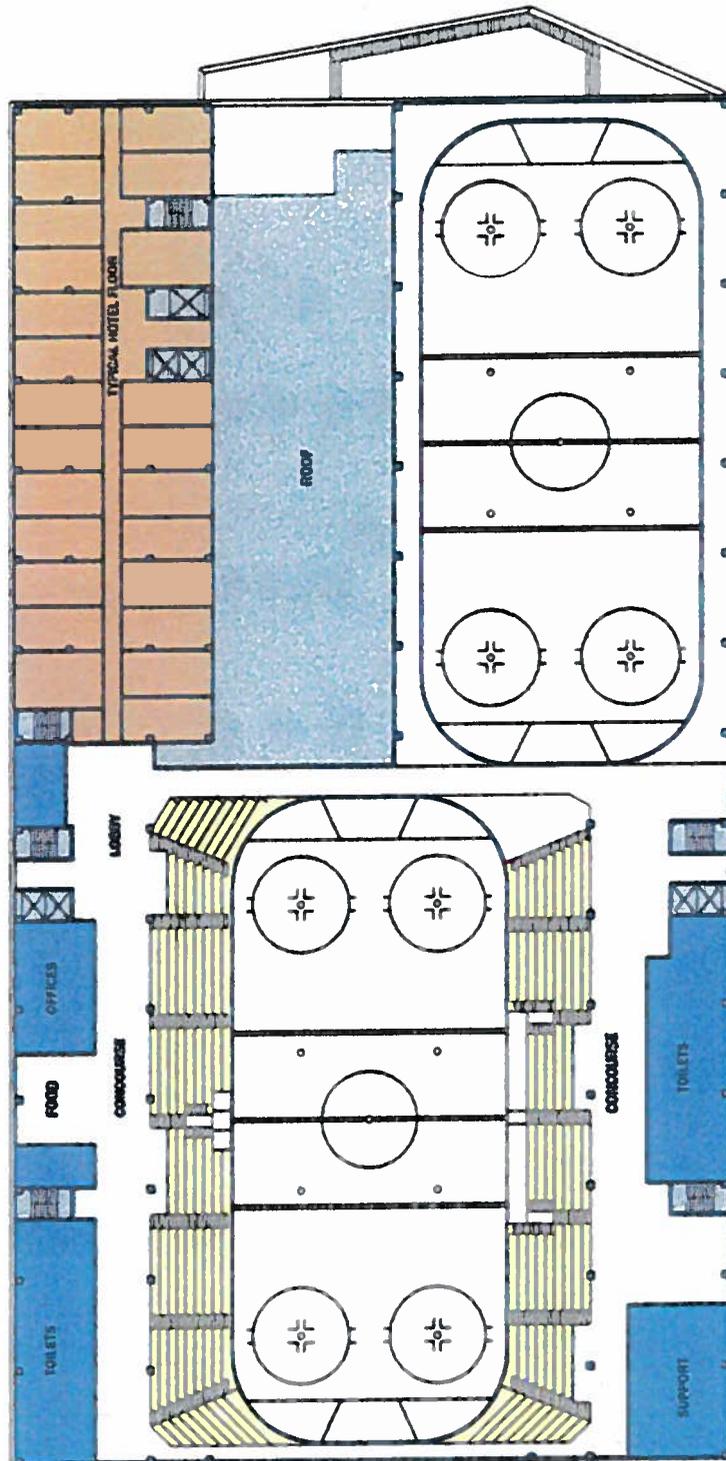


LEVEL 4 / 5  
 PLAN LEVEL 4 / 5  
 ELEV. 130'-0" / 140'-0"

FIRST NIAGARA CENTER



LEVEL 6   0.00 0.00 0.00



LEVEL 7  ELEV. 167'0"



## 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)

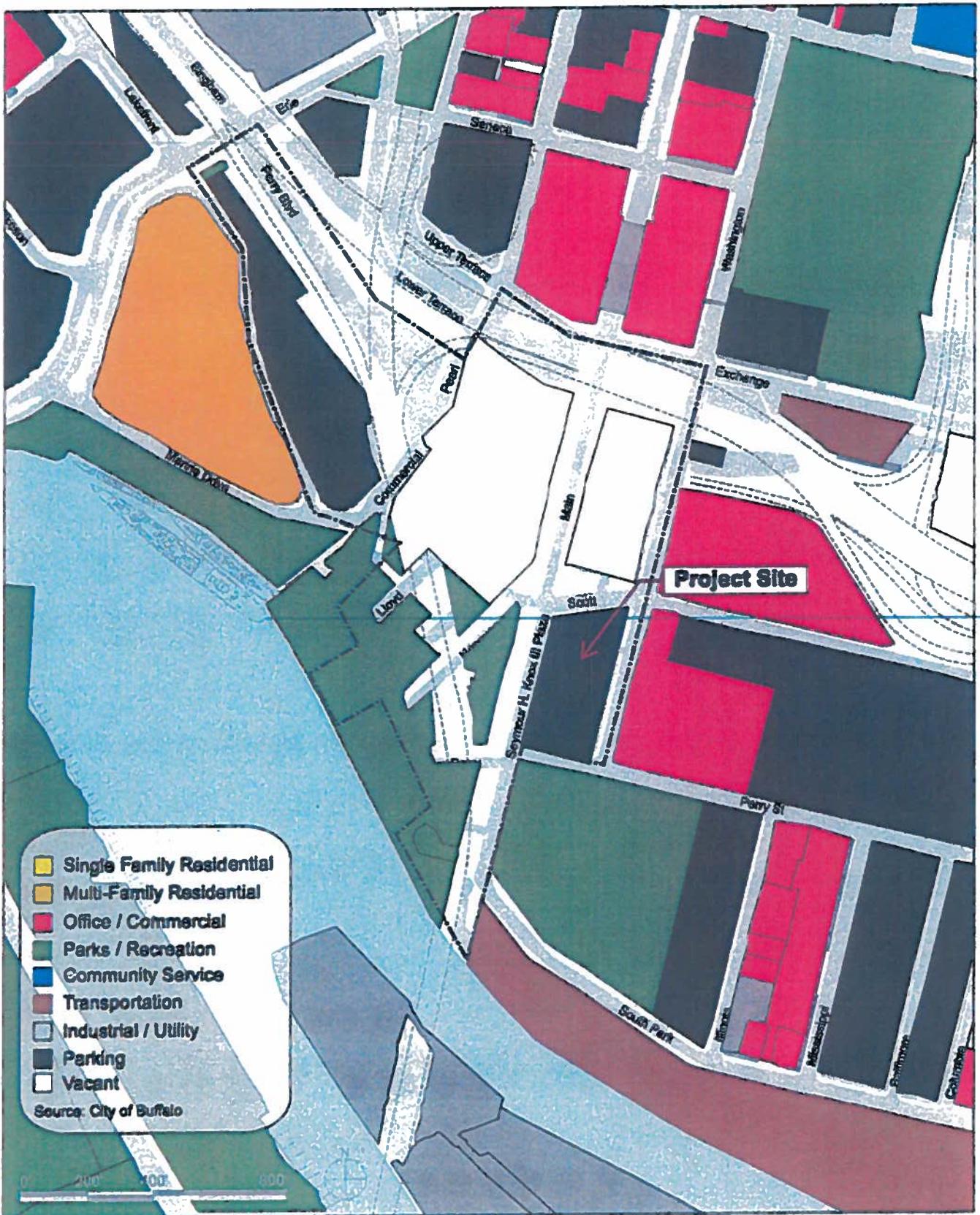
##### *Other Local Agencies:*

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

##### *State Agencies:*

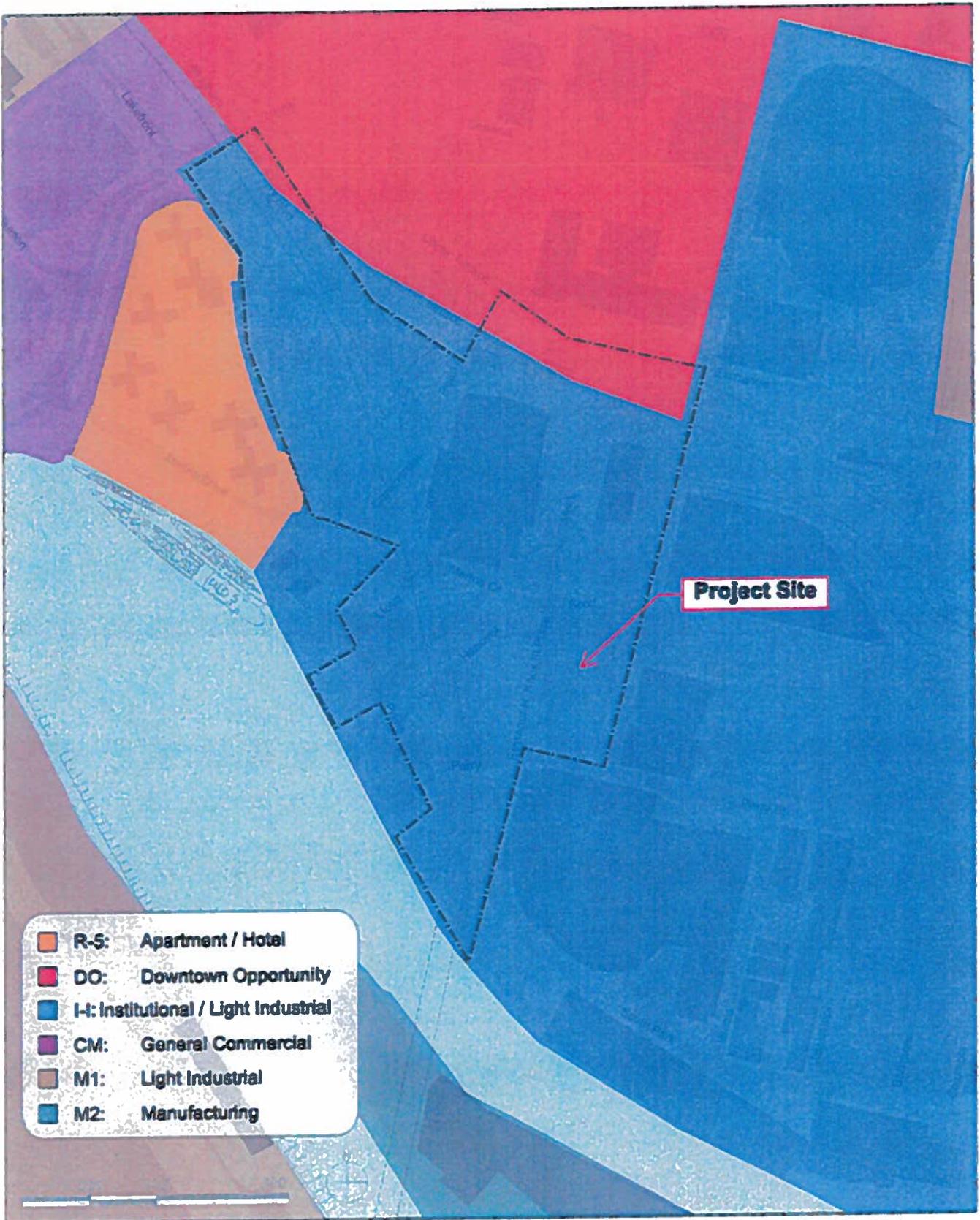
1. General Project Plan Modification (Empire State Development Corporation)
2. Design Review (Erie Canal Harbor Development Corporation)
3. Brownfield Cleanup Tax Credits (New York State Department of Environmental Conservation)
4. Metro Rail Catenary Pole Relocation (Niagara Frontier Transportation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





**ATTACHMENT 3: Existing Land Use**





**ATTACHMENT 4: Existing Zoning**



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**ATTACHMENT 5**

**Supporting Analysis**



**Attachment 5 - Supporting Analysis**

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## OVERVIEW

The HARBORcenter Project (the "Project" or the "Proposed Action"), is proposed to be developed on the city-owned parcel of land commonly referred to as the "Webster Block" (bounded by Washington Street, Perry Street, Seymour H. Knox III Plaza (Main Street) and Scott Street). The Project is being proposed by HARBORcenter LLC, an investment group led by the owners of the Buffalo Sabres, and was selected by the City of Buffalo in a competitive procurement based upon a preliminary set of development plans that are now advancing into final design.

The Project will feature a world-class hockey facility with two ice rinks. In addition to the new 1,800 and 200 seat rinks, the project as currently envisioned includes a parking garage that can accommodate 965 vehicles, a +/- 200-room hotel, and approximately 15,000 square feet of retail/restaurant uses. Overall, the project includes approximately 613,000 square feet of development.

The Webster Block is currently within the land area for the Canalside (formerly "Canal Side") Land Use Improvement Project, being advanced by the New York State Urban Development Corporation d/b/a Empire State Development (ESD) and its subsidiary Erie Canal Harbor Development Corporation (ECHDC). Canalside consists of various public improvements along the Buffalo waterfront and ultimately new development for various year-round offerings, including restaurants, entertainment venues, retail outlets, cultural attractions, vast public spaces, and increased access to the Buffalo River, appealing to a wide demographic of visitors and residents. Originally approved in 2010 under a ESD General Project Plan (GPP), Canalside was to have been anchored by a proposed Bass Pro Outdoor World Store. However this component of the GPP was removed from the Canalside project in October 2010 through the adoption of a Modified GPP (MGPP).

Canalside underwent an environmental review in accordance with the New York State Environmental Quality Review Act (SEQRA). This review was based upon a conceptual development plan involving both well defined elements (e.g., the Aud Block, the Donovan Block, the and the public canal system) and certain less-defined components that would be designed and developed in the future such as the Erie Canal Harbor parcels and the Webster Block parcel. The Project's Final Generic Environmental Impact Statement (FGEIS) evaluated site specific impacts associated with those well defined elements and cumulative, secondary long-term impacts associated with the less defined Project components. Mitigation measures for identified impacts were established in the Lead Agency SEQRA Findings Statement for Canalside, which was issued in March 2010.

Because the SEQRA review involved a "generic" EIS, it listed thresholds for subsequent review as more defined elements of the plan advanced to implementation. The findings also established protocols and procedures to follow in the event that changes and refinements to the levels of development assumed in the FGEIS as a basis for environmental review (e.g., if the traffic analysis for a particular parcel was based upon an assumption of 10,000 square feet being developed and when ready for implementation, the parcel is ultimately proposed for 15,000 square feet of development). The FGEIS for Canalside assumed a level of development on the Webster Block consisting of as much as:

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- 30,000 square feet of retail space;
- 160,000 square feet of office space;
- 180 hotel rooms;
- 65 residential units; and
- 500 structured parking spaces.

As noted above, the development plan for the HARBORcenter Project on the Webster Block differs from the assumptions, and in some cases the thresholds, established for the FGEIS for Canalside. In such a case, the SEQRA findings for Canalside call for a protocol to undertake a supplemental evaluation through a full environmental assessment form (EAF) and supporting analysis to determine whether these differences would result in any significant impacts that were not addressed in the FGEIS and already-adopted mitigation measures documented in the Lead Agency SEQRA Findings Statement. If such changes result in significant new adverse impacts that cannot be addressed through already-adopted mitigation, the Project must undergo a supplemental environmental impact statement.

Tables 1 and 2 summarize whether potential environmental impacts associated with the proposed HARBORcenter Project have been adequately addressed in the Canalside Project FGEIS and Lead Agency Findings Statement, taking into account whether the Project exceeds thresholds outlined in the FGEIS.

**Table 1: Canalside Project FGEIS Thresholds for Future Action**

<b>Threshold</b>	<b>HARBORcenter Project/Additional Assessment</b>
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).	Proposed Project would exceed upper limits for number of hotel keys and parking spaces. However, the increases are minor and would not result in significant adverse impacts. See Page 10.
Introduction of land uses into the Project Area that were not identified in Project programming and assessed in this GEIS.	Two ice sheets were not identified in project programming and assessed in the FGEIS. A focused traffic study assesses potential impacts associated with updated Project programming within context of larger Canalside Project. See Page 44.
Modification to or revision the Design Guidelines and/or review procedures (e.g. building materials, required design features).	Proposed Project does not exceed threshold. However, non-conformances have been identified that are not significant and would not require modification to or revision of the Design Guidelines. Non-conformances will be reviewed and assessed through required review procedures. See Page 24.
Permanent modification/alterations to Buffalo River shoreline protection (i.e., sheet piles).	Proposed Project does not exceed threshold.
Installation of permanent features in the Buffalo River.	Proposed Project does not exceed threshold.

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Installation of marine support facilities (e.g. fuel storage/pumps, pump out stations).	Proposed Project does not exceed threshold.
Accelerated construction schedules requiring 24/7 and/or weekend construction.	24/7 construction is not anticipated. Some Saturday and Sunday construction is however anticipated, but is not expected to result in significant adverse impacts. See Page 70.
Street network modifications that would permanently reduce lane capacity within the Project area.	Proposed Project does not exceed threshold. The proposed Project would reduce the cartway width and eliminate a lane of on-street parking along Washington Street, but the existing lane capacity would remain. A focused traffic study assesses the potential impact associated with this change. See Page 44.
Modifications to Project programming that would increase impervious surfaces and the potential for storm water runoff.	Proposed Project does not exceed threshold.
Project programming that would directly impact architectural and archaeological resources listed on the State and National Register of Historic Places (S/NRHP) that cannot be adequately mitigated.	Proposed Project does not exceed threshold. See Page 43.
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 by Federal Transit Administration (FTA) in 2009.	Proposed Project does not exceed threshold.
Improvements in the vicinity of the Skyway and the Thruway structures that have the potential to impact the structural integrity of either structure.	Proposed Project does not exceed threshold.

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Table 2: Lead Agency SEQRA Findings Statement Mitigation Measures

Resource/Mitigation Measures	HARBORcenter Project/Additional Assessment
<p><b>Design Guidelines—Land Use, Visual, Community Character</b></p> <ul style="list-style-type: none"> <li>• ECHDC would appoint an Architectural Design Review Committee to review final designs for Canalside Projects. The Committee would be charged with evaluating designs and consistency with the Design Guidelines.</li> <li>• Final designs for the Projects would similarly be reviewed by the City of Buffalo Planning Board for consistency with the Design Guidelines.</li> </ul>	<p>The Project introduces design elements not considered in the Canalside Project FGEIS -- expansion into the Washington Street right-of-way (see Page 26) and construction over the Perry Street right-of-way (See Page 28).</p> <p>The Project will be reviewed by the Canalside Review Committee and City Planning Board. In addition, all encroachments must be reviewed and approved by the City of Buffalo Common Council. See Page 37.</p>
<p><b>Cultural Resources</b></p> <ul style="list-style-type: none"> <li>• A Cultural Resource Management Program has been established in accordance with Section 14.09 of the State Historic Preservation Act, memorialized in a Letter of Resolution (LOR) among Erie Canal Harbor Development Corporation (ECHDC), Empire State Development (ESD), and New York State Office of Parks, Recreation and Historic Preservation.</li> </ul>	<p>The Project will be advanced in accordance with the LOR. See Page 43.</p>
<p><b>Transportation</b></p> <ul style="list-style-type: none"> <li>• Conversion of a portion of the Marine Drive loop roadway to two-way operation allowing direct access from the Commercial Slip Parking Garage driveway to Marine Drive.</li> <li>• Develop and install a directional signing program that efficiently directs motorists to and from the Canalside attractions and the parking garage driveway locations. The program should be designed to route traffic around residential areas near the Project Area; especially to and from the Commercial Slip Parking Garage driveways.</li> <li>• Conduct a traffic study to confirm the adequacy of the proposed mitigation measures.</li> <li>• Police oversight of Donovan Parking Garage driveways during event conditions to allow traffic to exit onto Washington Street from the garage driveway.</li> <li>• Inclusion of an eastbound left turn advance signal phase for Scott Street and incorporation of a second northbound through lane along Washington Street by banning parking along 100' of the curb to improve the operating condition of the Washington Street with Scott Street intersection.</li> <li>• Conversion of the second northbound lane along Washington Street into a channeled right turn lane at the Thruway Southbound entrance ramp intersection to improve the operating condition of the Washington Street with Thruway Southbound</li> </ul>	<p>A focused traffic analysis has been prepared to determine whether the Project would result in potential traffic impacts beyond those identified within the Canalside Project FGEIS. See Page 44.</p>

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<p><b>Ramp Intersection.</b></p> <ul style="list-style-type: none"> <li>• The installation of a traffic signal at the Michigan Avenue with Scott Street Intersection to reduce delay and improve the operating levels of service at this intersection.</li> <li>• The installation of a traffic signal at the Pearl Street Extension with Perry Boulevard Intersection to reduce delay and improve the operating levels of service at this intersection.</li> <li>• The reconfiguration of the intersections of Erie Street with Perry Boulevard and Erie Street with Bingham Street and the installation of a traffic signal to improve overall operations.</li> </ul>	
<p><b>Environmental Sustainability</b></p> <ul style="list-style-type: none"> <li>• The Project would be designed and constructed to benchmark with the Leadership in Energy and Environmental Design ("LEED®") green building rating system. The Project would achieve at a minimum LEED® for Building Design and Construction for Core and Shell ("LEED® BD&amp;CSS") version 2009 Certified Levels (40 to 49 points), with a goal of attaining Silver Level (50 to 59 points).</li> </ul>	<p>The Project would adhere to the required sustainability mitigation measures. The Project would achieve at a minimum LEED® for Building Design and Construction for Core and Shell (LEED® BD &amp;CSS), with a goal of attaining a Silver level.</p>
<p><b>Water Resources</b></p> <p><i>Floodplains</i></p> <ul style="list-style-type: none"> <li>• A survey of floodplain boundaries will be performed concurrently with the design of any development of parcel E1 to delineate the 100-year floodplain for final design purposes.</li> <li>• Best practices in developing "green marinas" would be implemented, as feasible, to further protect contaminants from entering the Buffalo River.</li> </ul> <p><i>Storm Water</i></p> <p>The parcel developer would be required to evaluate the following:</p> <ul style="list-style-type: none"> <li>• Capture and Reuse</li> <li>• Reduction of Runoff Rate &amp; Volumes</li> <li>• Direct storm water discharges directly to a Combined Sewer Overflow (CSO) or the Buffalo River.</li> <li>• In the event it is determined to be impractical to convey storm water directly to the CSO, storm water discharges would be directed to the CS system. However, appropriate measures must be developed and implemented at each development parcel to ensure that post-development storm water discharges to the CSO are reduced during storm events.</li> <li>• Each development parcel would be required to be LEED® certified.</li> </ul>	<p><i>Floodplains</i></p> <p>The Project would not be constructed within a 100-year floodplain nor would it involve the construction of marina facilities.</p> <p><i>Storm Water</i></p> <p>The Project would reduce the runoff rate and volume by slightly reducing the amount of existing impervious surface.</p> <p>The Project design would involve construction of a storm sewer for the purpose of conveying storm water discharges directly to the Hamburg Drain or discharge to other area BSA storm sewer. See Page 13.</p> <p>The Project would adhere to the required sustainability mitigation measures. The Project would achieve at a minimum LEED® for Building Design and Construction for Core and Shell (LEED® BD &amp;CSS), with a goal of attaining a Silver level.</p>

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<p><b>Navigation and Aquatic Resources</b></p> <ul style="list-style-type: none"> <li>• ECHDC would consult with the United States Army Corps of Engineers, United States Coast Guard and City of Buffalo Department of Public Works, Street and Parks regarding design, placement, and operation and maintenance of the seasonal dock system.</li> <li>• ECHDC would consult with the New York State Department of Environmental Conservation (NYSDEC) to identify possible aquatic habitat enhancements that could be included as part of the design for the floating dock system.</li> </ul>	<p>The Project would not include the installation of a seasonal floating dock system.</p>
<p><b>Hazardous Waste/Contaminated Materials</b></p> <ul style="list-style-type: none"> <li>• A soil management plan would be created for each development parcel prior to implementation of soil disturbance activities to control risks associated with disturbing potentially contaminated soils.</li> </ul>	<p>Project would adhere to required mitigation for hazardous waste/contaminated materials plus additional measures for storage and use of hazardous materials on site during construction. See Pages 65 and 70.</p>
<p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• All windows of proposed building facades with a direct line-of-site to the Skyway Bridge are required to be manufacturer-rated to provide a minimum noise reduction of 25 decibels (dBA).</li> <li>• Building facades not facing the Skyway would be required to manufacturer-rated to provide a minimum noise reduction of 20 dBA.</li> </ul>	<p>The Project would adhere to required mitigation measures for noise. See Page 63.</p>
<p><b>Construction Impacts</b></p> <p><i>Hazardous Waste/Contaminated Materials/Soils</i></p> <ul style="list-style-type: none"> <li>• A soil management plan would be created for each development parcel prior to implementation of soil disturbance activities to control risks associated with disturbing potentially contaminated soils.</li> </ul> <p><i>Site Runoff/Soil Erosion and Sedimentation Control</i></p> <ul style="list-style-type: none"> <li>• A Storm Water Pollution Prevention Plan (SWPPP), including soil erosion and sediment controls, consistent with the most recent State Pollutant Discharge Elimination System (SPDES) guidance would also be developed.</li> </ul> <p><i>Air Quality Mitigation during Construction</i></p> <ul style="list-style-type: none"> <li>• Implement measures to minimize the potential negative effects of construction activities on air quality, as appropriate.</li> </ul> <p><i>Noise Mitigation during Construction</i></p> <ul style="list-style-type: none"> <li>• All contractors will comply with Chapter 293-4(1) of the City of Buffalo Noise Code, and United States Environmental Protection Agency (USEPA) emission standards for construction equipment.</li> </ul> <p>These regulations require:</p>	<p><i>Hazardous Waste/Contaminated Materials/Soils</i></p> <p>Project would adhere to required mitigation for hazardous waste/contaminated materials plus additional measures for storage and use of hazardous materials on site during construction. See Page 70.</p> <p><i>Site Runoff/Soil Erosion and Sedimentation Control</i></p> <p>Project would adhere to required mitigation measures applicable to site runoff. See Page 70.</p> <p><i>Air Quality Mitigation during Construction</i></p> <p>Project would adhere to mitigation measures applicable to air quality during construction. See Page 70.</p> <p><i>Noise Mitigation during Construction</i></p> <p>Project would adhere to mitigation measures applicable to construction noise. However, weekend construction was not anticipated in the Canal-side FGEIS. See Page 71 for additional mitigation measures should weekend construction be necessary.</p>

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<ul style="list-style-type: none"> <li>• Construction material be handled and transported in such a manner as not to create unnecessary noise;</li> <li>• Except under very special circumstances, construction activities be limited to weekdays, between the hours of 7 am and 9 pm; and</li> <li>• Certain classifications of construction equipment and motor vehicles meet specified noise emission standards.</li> </ul> <p><b>Construction Coordination with Buffalo Skyway/Thruway Maintenance/Operations</b></p> <ul style="list-style-type: none"> <li>• All construction activities would be coordinated with NYSDOT and New York State Thruway Authority (NYSTA) to ensure the continued integrity and access to Skyway and Thruway piers. All NYSDOT and NYSTA Temporary Occupancy/Use and Highway Work Permits would be secured, as required, in advance of any occupancy of NYSDOT or NYSTA lands and start of construction activities.</li> </ul> <p><b>Utilities</b></p> <ul style="list-style-type: none"> <li>• All necessary utilities to buildings in and adjacent to the Project Area would be maintained during construction. In the event of planned temporary disruptions, ECHDC will require contractors to provide advance notification to building owners and tenants of the date and duration of planned service disruptions.</li> </ul> <p><b>Worker/Site Safety</b></p> <ul style="list-style-type: none"> <li>• ECDHC will minimize risk to construction personnel by requiring the development and compliance with established Site Safety and Health Plans as applicable, and fully complying with required Occupational Safety and Health Administration, NYSDOT, New York State Labor Law and City of Buffalo regulations.</li> <li>• All contractors would be required to develop a Site Safety and Health Plan in accordance with EPA, Occupational Safety and Health Administration (OSHA), National Institute of Occupational Safety and Health (NIOSH), and American Council of Government Industrial Hygienists (ACGIH) standards.</li> <li>• The public will be protected from exposure to such dangers through the use of secure construction sites with authorized access only.</li> </ul> <p><b>Marine Drive Apartment Residents: Construction Period Parking and Other Measures</b></p> <ul style="list-style-type: none"> <li>• Parking for the residents of the Marine Drive apartment complex on the Commercial Slip Parking Garage site would be temporarily displaced during garage construction. ECHDC will consult with both the Marine Drive apartment complex residents and BMHA management to identify temporary solutions</li> </ul>	<p><b>Construction Coordination with Buffalo Skyway/Thruway Maintenance/Operations</b></p> <p>Project would not affect integrity or access to Skyway or Thruway piers.</p> <p><b>Utilities</b></p> <p>Project would adhere to mitigation measures applicable to the potential disruption to utility services. See Page 71.</p> <p><b>Worker/Site Safety</b></p> <p>Project would adhere to mitigation measures applicable to worker site safety. See Page 71.</p> <p><b>Marine Drive Apartment Residents: Construction Period Parking and Other Measures</b></p> <p>Does not involve construction in the vicinity of Marine Drive Apartments. However, as an additional measure, the Project Sponsor will establish a telephone hot line and web site for the receipt of reports of safety concerns or complaints of a non-</p>
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<p>for the provision of convenient, safe parking.</p> <ul style="list-style-type: none"> <li>• ECHDC would establish a "hot line" for the receipt of complaints regarding construction activities. Complaints received would be investigated and corrective actions devised and implemented, as necessary.</li> <li>• A monthly summary of complaints and corrective actions would be filed as information item for the ECHDC Board.</li> <li>• ECHDC would develop regular public information releases regarding planned construction activities/schedule for the purpose of informing the public about anticipated short-term Project Area disruptions.</li> </ul>	<p>emergency nature. See Page 72.</p>
<p><b>Project Phasing</b></p> <ul style="list-style-type: none"> <li>• Significant changes to Project phasing that may create the potential for significant adverse impacts.</li> </ul>	<p>Proposed Project does not exceed threshold.</p>

The following sections present the supporting analysis for a full EAF to determine significance of the proposed changes envisioned in the HARBORcenter Project. Based on Part 1 of the full EAF and the above thresholds and mitigation assessments, the following relevant environmental concerns have been identified for further analysis:

1. Impacts to land;
2. Impacts to water resources associated with storm water runoff;
3. Impacts to air quality;
4. Impacts to aesthetic resources (including consistency with established design/architectural guidelines);
5. Impacts to cultural resources;
6. Impacts to transportation resources;
7. Noise impacts;
8. Impacts from handling of hazardous materials;
9. Social and economic impacts; and
10. Construction-related impacts.

## **1. IMPACTS TO LAND**

### **Existing Resources**

ESD, as part of its MGPP for the Canalside Project, undertook an override of local development regulations in the Canalside area, including the Webster Block. This eliminated institutional-light industrial zoning controls that had previously governed the area, given that they would not fully facilitate the anticipated mixed-use, retail, residential and lodging uses envisioned under the Canalside plan. Thus, future development in the project area is now governed by the land use scenarios established to undertake the environmental analyses in the Canalside FGEIS. The High-Density Alternative identified in the FGEIS establishes the upper development limits for Webster Block (i.e. HARBORcenter project site). The conceptual mixed-use development program established for the Webster Block is presented in Table 3.

### **Anticipated Impacts**

Programming for the HARBORcenter Project would be similar in many ways to the programming identified for the High-Density Alternative. As Table 3 illustrates, the Project would include retail, restaurant, and hotel uses - slightly less square footage for retail and restaurant and up to 20 more hotel keys. Both envision a maximum building height of 200'. It is anticipated the Project would attract approximately 500,000 annual visitors to the area.

The HARBORcenter Project would vary from the High-Density Alternative in that it would not include office and residential components (220,000 square feet of development). Instead, two ice sheets would be constructed with seating for up to 2,000 spectators. The HARBORcenter project would also include approximately 465 additional parking spaces (See Table 3).

The overall HARBORcenter Project development program, including the two ice sheets, would contain almost 20 percent fewer square feet of development than the High-Density Alternative. Importantly, the proposed ice sheets would have peak usage periods during evenings and weekends as opposed to the weekday peak usage periods for the office use of the High-Density Alternative lessening the potential for impacts to week day peak hour traffic and parking demand. It should be noted that the Project Sponsor intends to the maximum extent practicable to restrict use of the new ice surfaces for major events when a Buffalo Sabres hockey game is being held at the First Niagara Center.

The High-Density Alternative has approximately 2,800 parking spaces within the project area. The proposed HARBORcenter Project would result in a reallocation of parking to the Webster Block site from other Canalside development parcels. However, total project area parking would remain consistent with the High-Density Alternative.

Therefore, even though HARBORcenter Project programming would exceed the Webster Block upper development limits defined by the High-Density Alternative for hotel keys and parking spaces, the increases by use would not be anticipated to result in significant adverse environmental impacts. Overall, the Canalside Project development program inclusive of the HARBORcenter Project would remain below the full build out numbers evaluated under the Canalside Project

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FGEIS. Nonetheless, traffic and direct and indirect employment and fiscal impacts have been assessed in subsequent sections of this document.

Table 3: Webster Block Land Uses

Project	Retail (sf)	Restaurant (sf)	Office (sf)	Residential		Hotel		Ice Sheets		Total Development Area (sf)	Parking	Building Height (ft)
				Units	Area (sf)	Keys	Area (sf)	Seats	Area (sf)			
Canalside High Density Alternative	15,000	15,000	160,000	65	60,000	180	90,000	0	0	340,000	500	200
HARBORcenter Project	8,170	7,725	0	0	0	200	150,000	2,000	114,000	279,895	965	200

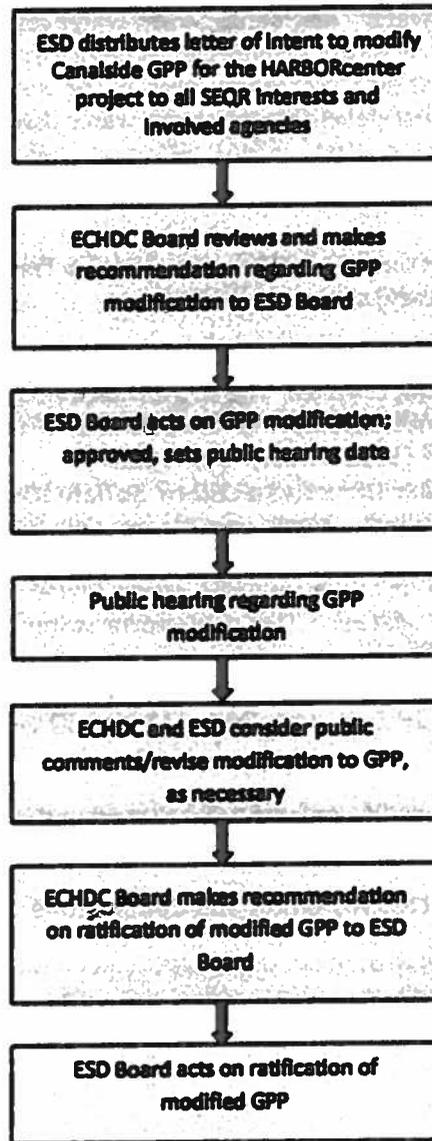
Sources: Canalside Project FGEIS, 2010; HARBORcenter Development LLC, 2012

*Impacts to Land Use and Development Regulations: Summary and Conclusions*

Based upon the preceding analysis, the proposed HARBORcenter Project would not result in any significant new impacts to land use resources or development regulations that were not already evaluated in the Canalside FGEIS. While slightly differing from the assumptions set forth for the Webster Block, the proposed Project would nevertheless advance the purpose and intents of the MGPP objectives regarding land use by fostering economic development and expanding public use and enjoyment of the Erie Canal Harbor area.

As part of the approval process for the Project, ESD intends to amend the Canalside Land Use Improvement Project MGPP to incorporate HARBORcenter Project specific land use program details and to provide an opportunity for public comment prior to MGPP affirmation by the ESD and ECHDC boards. Figure 1 describes the process used to amend the MGPP.

Figure 1: Process to Amend Canalside Land Use Improvement Project  
Modified General Project Plan (MGPP)



## 2. IMPACTS TO WATER RESOURCES ASSOCIATED WITH STORM WATER RUNOFF

### Existing Conditions

The Lead Agency SEQRA Findings Statement requires that future projects consider and evaluate various options for storm water treatment. Storm water mitigation measures include capture and reuse, reduction of runoff rates and volumes, directing storm water discharges directly to a CSO or the Buffalo River, and directing storm water flows to the combined sewer system with appropriate measures to ensure that post-development storm water discharges to the CSO are reduced during storm events.

### Anticipated Impacts

The HARBORcenter Project would involve several design features to reduce storm water flows into the combined (storm/sanitary) sewers including:

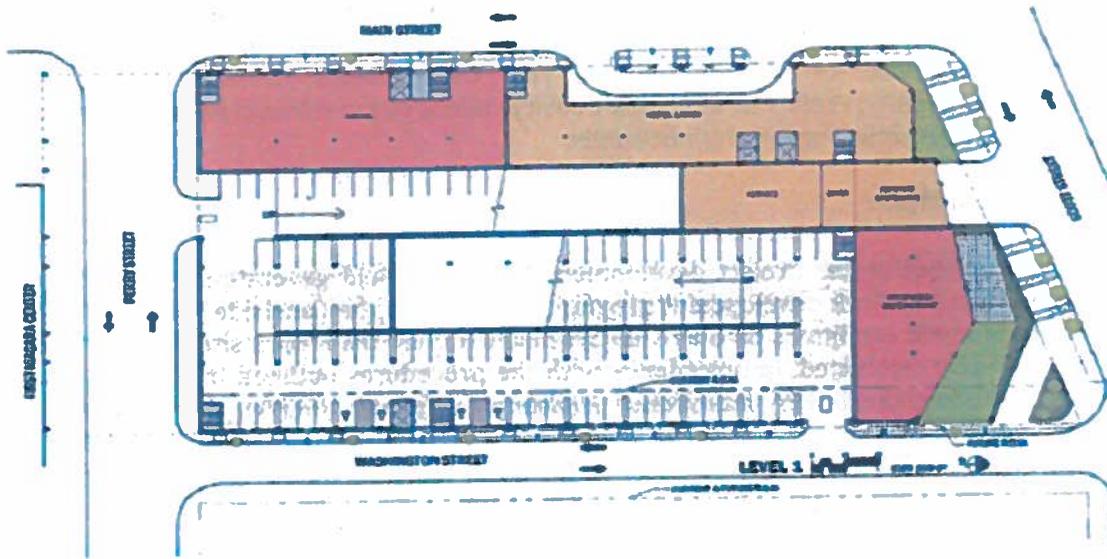
- **Reduction of Runoff Rates and Volumes.** The Project site is presently used as a surface parking lot and is impervious. The HARBORcenter Project will slightly reduce the amount of impervious service through the introduction of planting areas at the north end of the development parcel (Scott Street). See Figure 2.
- **Convey Storm Water Directly to CSO or Buffalo River.** Project site storm water presently drains to a combined sewer owned by the Buffalo Sewer Authority (BSA). The HARBORcenter Project intends to provide a separated sewer with storm water flowing to the Hamburg drain or other area BSA storm sewer and sanitary drains flowing to the BSA sanitary collection system. The new storm water conveyance system will include pre-treatment as necessary.
- **LEED® Certification.** The Project would achieve at a minimum LEED® for Building Design and Construction for Core and Shell (LEED® BD & CSS), with a goal of attaining a Silver level.

Additionally, the Project would conform to the goals and objectives of the BSA for storm water management.

### Impacts to Water Resources: Summary and Conclusions

The proposed HARBORcenter Project would not result in any significant new water quality impacts that were not already evaluated in the Canalside FGEIS. The Project Sponsor will fully follow already-adopted standards for storm water mitigation in the Project final design.

Figure 2: Pervious Surface along Scott Street



### 3. IMPACTS TO AIR QUALITY

#### Existing Conditions/Prior Analysis

The Canalside Project FGEIS included an air quality analysis to determine whether increased traffic generated by Canalside development would result in an increase of air pollutants from vehicles that could harm human health or the environment. The FGEIS analysis concluded that the Build Alternatives (Low-Density, Preferred, and High-Density) would not result in significant adverse air quality impacts to the project area or its surrounds.

#### HARBORcenter Analysis

The proposed HARBORcenter Project development program would generate slightly more new trips than the Webster Block development program contained in the Canalside Project FGEIS and would alter local traffic conditions on the roadways in and around the Project site. Therefore, an air quality analysis was conducted, in accordance with the procedures outlined in several guidance documents, including: the USEPA *Intersection Modeling Guidelines*; USEPA's *United States Green Book - Air Quality Planning and Standards*, which is available online; the NYSDOT *Environmental Procedures Manual (EPM)* to determine whether these impacts would be significant. These documents were used to determine whether the proposed project would result in violations of ambient air quality standards or health-related guideline values.

#### Relevant Air Pollutants for Analysis

Various air pollutants have been identified by USEPA as being of nationwide concern: carbon monoxide (CO); hydrocarbons (HC); nitrogen oxides (NO<sub>x</sub>); photochemical oxidants; particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>); sulfur oxides (SO<sub>x</sub>); and lead (Pb). Ambient concentrations of CO, HC, and photochemical oxidants in and around the study area are predominantly influenced by motor vehicle activity, while NO<sub>x</sub> emissions are from both mobile and stationary sources. Emissions of SO<sub>x</sub> are associated mainly with stationary sources. Emissions of particulate matter are associated with stationary sources and, to a lesser extent, diesel-fueled mobile sources (heavy trucks and buses). Lead emissions, which historically were influenced principally by motor vehicle activity, have been substantially reduced due to the elimination of lead from gasoline. These pollutants of concern are each discussed below.

#### *Carbon Monoxide*

CO is a colorless and odorless gas that is generated in the urban environment primarily by the incomplete combustion of fossil fuels in motor vehicles. Prolonged exposure to high levels of CO can cause headaches, drowsiness, loss of equilibrium, or heart disease. Relatively high concentrations of CO are typically found near congested intersections, along heavily used roadways carrying slow-moving traffic, and in areas where atmospheric dispersion is inhibited by urban "street canyon" conditions.

### *Hydrocarbons, Nitrogen Oxides, and Photochemical Oxidants*

Hydrocarbons include a wide variety of volatile organic compounds, emitted principally from the storage, handling, and use of fossil fuels. NO<sub>x</sub> constitute a class of compounds that include nitrogen dioxide (NO<sub>2</sub>) and nitric oxide, both of which are emitted by motor vehicles and stationary sources. Both hydrocarbons and NO<sub>x</sub> are of concern primarily because most of those compounds react in sunlight to form photochemical oxidants, including ozone. This reaction occurs comparatively slowly and ordinarily takes place far downwind from the site of actual pollutant emission. The effects of these pollutants are examined on an area wide, or mesoscale, basis.

### *Particulate Matter*

Particulate matter is a broad class of air pollutants that exist as liquid droplets or solids, with a wide range of sizes and chemical composition. Particulate matter is emitted by a variety of sources, both natural and man-made. Major man-made sources of particulate matter include the combustion of fossil fuels, such as vehicular exhaust; power generation and home heating; chemical and manufacturing processes; all types of construction (including equipment exhaust and re-entrained dust); agricultural activities; and wood-burning fireplaces. Fine particulate matter is also derived from combustion material that has volatilized and then condensed to form primary particulate matter (often after release from a stack or exhaust pipes) or from precursor gases reacting in the atmosphere to form secondary particulate matter. It is also derived from mechanical breakdown of coarse particulate matter, e.g., from building demolition or roadway surface wear. Of particular health concern are particles that are smaller than or equal to 10 microns (PM<sub>10</sub>) and 2.5 microns (PM<sub>2.5</sub>) in size. The principal health effects of airborne particulate matter are on the respiratory system.

### *Sulfur Oxides*

High concentrations of SO<sub>2</sub> affect breathing and may aggravate existing respiratory and cardiovascular disease. SO<sub>2</sub> emissions are generated from the combustion of sulfur-containing fuels (oil and coal), largely from stationary sources such as coal and oil-fired power plants, steel mills, refineries, pulp and paper mills, and nonferrous smelters. In urban areas, especially in the winter, smaller stationary sources, such as space heating, contribute to elevated SO<sub>2</sub> levels. Ambient SO<sub>2</sub> levels recorded in the Greater Buffalo Metropolitan Area have complied with ambient air quality standards for over 20 years.

### *Lead*

Lead emissions are principally associated with industrial sources and motor vehicles using gasoline-containing lead additives. Since the leaded gasoline has been eliminated from use, motor vehicle-related lead emissions have decreased, resulting in a significant decline in concentrations of lead. Atmospheric lead concentrations in the Greater Buffalo metropolitan area are well below national standards.

*National and State Ambient Air Quality Standards*

National Ambient Air Quality Standards (NAAQS) are concentrations set for each of the criteria pollutants specified by USEPA that have been developed primarily to protect human health. The secondary goal is to protect the nation's welfare and account for the effect of air pollution on soil, water, vegetation and other aspects of general welfare. For the most part, New York has adopted the NAAQS as state ambient air quality standards. Timeframes, based on ways that these pollutants adversely affect health, have also been established. These standards, together with their health-related averaging periods, are presented in Table 4.

Table 4: National and New York Ambient Air Quality Standards

Pollutant	Averaging Period	National and NY State Standards		
		Primary	Form	Secondary
Ozone	8 Hour	0.075 ppm	Annual 4 <sup>th</sup> highest daily maximum 8-hr concentration, averaged over 3 years	Same as Primary
Carbon Monoxide	8 Hour	9 ppm	Not to be exceeded more than once per year	-
	1 Hour	35 ppm		-
Nitrogen Dioxide	Annual Average	53 ppb	Annual mean	Same as Primary
	1 Hour	100 ppb	98 <sup>th</sup> percentile, averaged over 3 years	-
Sulfur Dioxide	1 Hour	75 ppb	99 <sup>th</sup> percentile of 1-hour daily maximum concentration, averaged over 3 years	-
	3 Hour	-	Not to be exceeded more than once per year	0.5 ppm
PM <sub>10</sub>	24 Hour	150 µg/m <sup>3</sup>	Not to be exceeded more than once per year on average over 3 years	Same as Primary
PM <sub>2.5</sub>	24 Hour	35 µg/m <sup>3</sup> (1)	98 <sup>th</sup> percentile, averaged over 3 years	Same as Primary
	Annual Neighborhood	15 µg/m <sup>3</sup>	Annual mean, averaged over 3 years	Same as Primary
Lead	Rolling 3-Month Average	0.15 µg/m <sup>3</sup> (2)	Not to be exceeded	Same as Primary

Source: U.S. Environmental Protection Agency and New York State Department of Environmental Conservation

ppm: parts per million

ppb: parts per billion

µg/m<sup>3</sup>: micrograms per cubic meter

***Regulatory Setting and Compliance with Standards***

The federal Clean Air Act (CAA) defines non-attainment areas as geographic regions that have been designated as not meeting one or more of the NAAQS listed in Table 4. The affected study area is currently designated as attainment for all criteria pollutants. The CAA requires that a State Implementation Plan (SIP) be prepared for each non-attainment area, and a maintenance plan be prepared for each former non-attainment area that subsequently demonstrated compliance with the standards. The SIP is a state's plan for how it will meet the NAAQS by the deadlines established by the CAA. EPA's Transportation Conformity Rule requires SIP conformity determinations on transportation plans, programs, and projects before they are approved or adopted. Conformity is defined as conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards. The Conformity Rule also establishes the process by which federal agencies determine conformance of proposed projects. Federal activities may not cause or contribute to new violations of air quality standards, exacerbate existing violations, or interfere with timely attainment or required interim emissions reductions towards attainment. The proposed HARBORcenter Project is not federally funded, is currently designated as attainment for all criteria pollutants, and will not require federal approvals. As such, a Project-level conformity determination is not required.

The Transportation Improvement Program (TIP) includes all federally funded transportation projects being considered for implementation in the next five-year period through September of 2015. The Greater Buffalo Niagara Regional Transportation Council (GBNRTC), in cooperation with the NYSDOT, is responsible for selecting projects to be included in the TIP. The TIP is updated every other year to reflect those projects of highest priority based on need, local desires, long-range plan conformity and funding availability. The 2011-2015 TIP is consistent with the area's 2030 Transportation Plan (also known as a Long Range Transportation Plan or LRTP).

***Ambient Air Quality***

Representative monitored ambient air quality data for the study area are shown in Table 5. Data were compiled by New York State Department of Environmental Conservation (NYSDEC) for 2010, the latest calendar year for which data are available. With the exception of the recently promulgated 8-hour ozone, monitored levels for the criteria pollutants do not exceed National and State ambient air quality standards in the study area.

Table 5: Representative Pollutant Data (2010)

Pollutant	Location	Averaging Time	Value <sup>1,2</sup>	NAAQS
Carbon Monoxide	Buffalo	8 hour	1.4 ppm	9 ppm
		1 hour	1.6 ppm	35 ppm
Nitrogen Dioxide	Buffalo	Annual	0.010 ppm	0.053 ppm
Ozone	Amherst	8 hour	0.031 ppm	0.075 ppm
		3 hour	11.6 ppb	50 ppb
PM <sub>2.5</sub>	Buffalo (F)	Annual	10.1 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>
		24 hour	27 µg/m <sup>3</sup>	35 µg/m <sup>3</sup>

Source: NYSDEC 2010 Annual Monitoring Report

Notes: \* Denotes an exceedance of an NAAQS.

1. Values shown correspond to NAAQS time periods and standard definitions.
2. If data are available from more than one monitoring station in a county, the highest values are provided.

#### Mobile Source Analysis Methodology

A microscale modeling analysis was conducted to estimate CO levels near analysis sites in the study area that are anticipated to be affected by the HARBORcenter Project. Evaluations were conducted for future conditions with and without the Project in the future analysis year 2031. The following section describes the methodology used in this analysis.

**Site Selection Criteria.** Guidelines established by NYSDOT's *Environmental Procedures Manual* specify criteria that were used to determine whether detailed air quality analyses are required for a proposed HARBORcenter Project. NYSDOT's *EPM* specifies a process to select sites that includes first screening the potentially affected sites, and then ranking them to determine those requiring detailed analysis. These guidelines include a level of service (LOS) screening identifying Project affected intersections with an LOS D or greater, and then using the following capture criteria to rank and select sites for detailed analysis:

- 1) Ten percent or more reduction in source-receptor distances;
- 2) Ten percent or more increase in traffic volumes on the affected roadways;
- 3) Ten percent or more increase in vehicle emissions;
- 4) Any increase in the number of queued lanes; and
- 5) Twenty percent reduction in speeds, when the Build estimated average speed is 30 mph or less.

**Result of Applying Applicable Criteria.** In order to determine whether a detailed CO microscale analysis is warranted and to select these sites (i.e., congested intersections for this analysis), traffic volumes, levels of service and vehicular speeds at the intersections that may be affected by the proposed project were evaluated with and without the proposed HARBORcenter Project. They include locations adjacent to the major roadways that may be affected by the proposed project alternatives creating the potential for exceeding air quality standards at nearby sensitive land uses. Since traffic estimates for this project indicate that changes in traffic volumes and levels of service

will be above the thresholds specified in the EPM Manual at several intersections in the traffic study area, a detailed mobile sources analysis was conducted. Three intersections with the greatest increase in traffic volumes and LOS were selected for analysis. These selected intersection locations are shown in Table 6 and Figure 3. As these intersections are located within one thousand feet of each other, emissions for the vehicles of all of these affected roadways were evaluated in one modeling run, and the highest values estimated at any location were considered.

**Table 6: Co Microscale Analysis Sites**

Site Number	Site Location
1	Intersection of Washington Street with Scott Street
2	Intersection of Washington Street with I-190 On-Ramp
3	Intersection of Washington Street with HARBORcenter Project Parking Garage Driveway

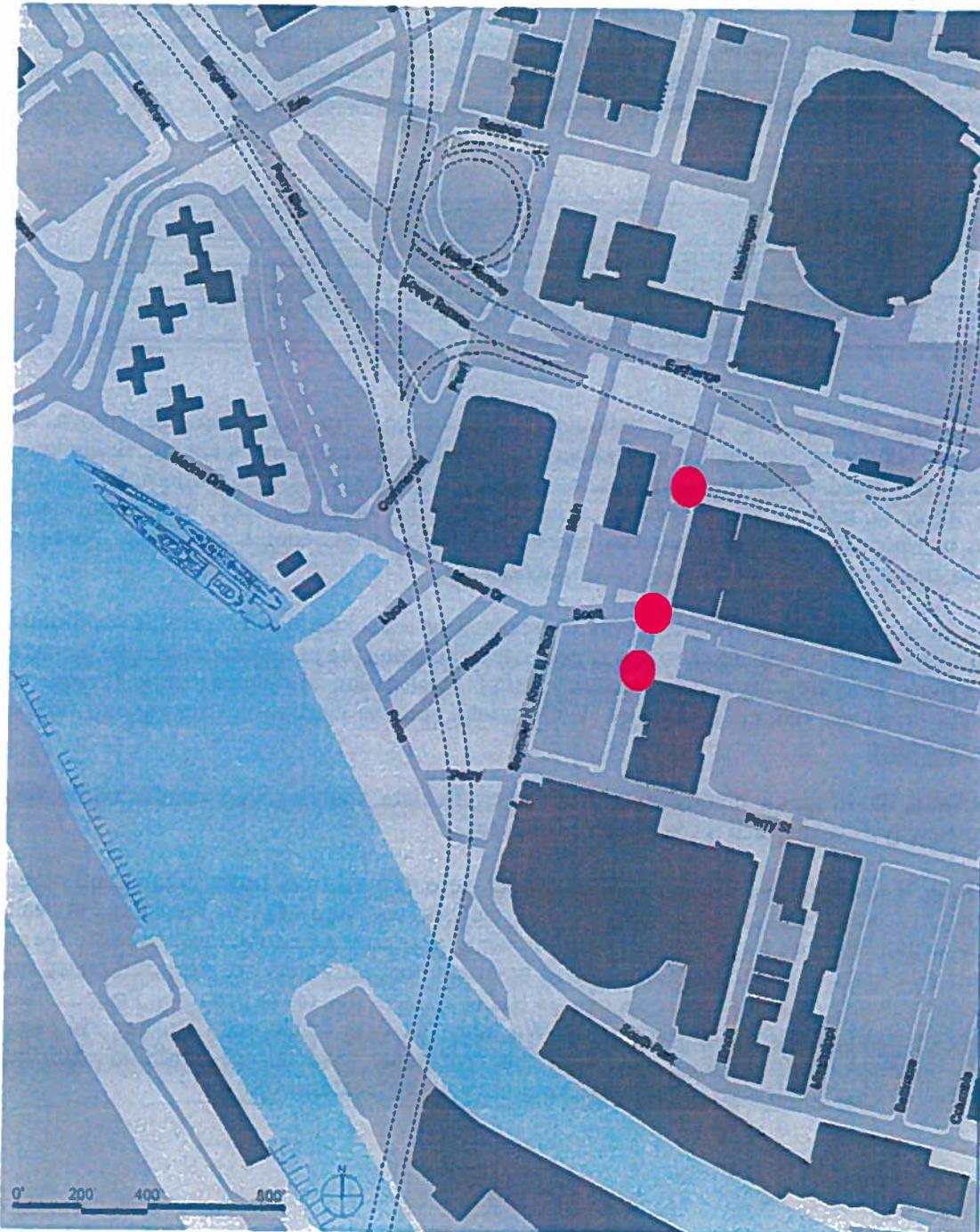
**Receptors.** The locations at which pollutant concentrations are estimated are known as "receptors." Following guidelines established in USEPA's Intersection Modeling Guidelines, receptors were located where the maximum concentration is likely to occur and where the general public is likely to have access. For this analysis, receptor locations were distributed along sidewalks to which the general public has access on a more-or-less continuous basis. Multiple receptor locations were considered near each analysis site.

The exact placement of these receptors was determined for each site based on traffic conditions (e.g., high volumes and low speeds), roadway geometry (including the potential cumulative impacts from emissions generated on several roadway links), the location of queued traffic (based on existing and projected volume-to-capacity (V/C) ratios), and the location of existing and future sensitive land uses.

**Analysis Year.** Based on air quality emissions and traffic data, analyses were conducted for the 2031 future analysis year which is the worst critical year.

**Traffic Data.** Traffic data for the air quality analysis were derived from traffic counts and other information developed as part of the focused traffic analysis (see Page 44). The Weekday PM Peak and the Saturday PM Peak traffic periods with an Event were considered for this analysis. These are the periods when the maximum changes in pollutant concentrations are expected based on overall traffic volumes and anticipated changes in traffic patterns due to the proposed Project. The CO microscale analysis was conducted for the Weekday PM Peak traffic and Saturday PM Peak period for the 2031 future analysis year, since this represents a worse-case condition with the highest overall background, Project-generated volumes and the greatest LOS.

Figure 3: Intersection Locations for CO Microscale Analysis



**Vehicle Emissions.** Carbon monoxide emission factors were obtained from the NYSDOT website using the *Mobile 6 General Fleet Emission Factor and Calculation Program*. This program is based on MOBILE 6.2.03 (EPA420-R-03-010) emission factor algorithm model using specific data for Erie County.

**Dispersion Analysis.** Mobile source dispersion models are the basic analytical tools used to estimate pollutant concentrations from the emissions generated by motor vehicles as expected under given conditions of traffic, roadway geometry, and meteorology. CAL3QHC Version 2 is a line-source dispersion model that predicts pollutant concentrations near congested intersection and heavily traveled roadways. CAL3QHC input variables include free flow and calculated idle emission factors, roadway geometries, traffic volumes, site characteristics, background pollutant concentrations, signal timing, and meteorological conditions. CAL3QHC predicts pollutant concentrations, averaged over a one-hour period, near roadways. This model was used to predict concentrations near the three selected study area intersections.

CAL3QHC predicts peak one-hour pollutant concentrations using assumed meteorology and peak-period traffic conditions. Different emission rates occur when vehicles are stopped (idling), accelerating, decelerating, and moving at different average speeds. CAL3QHC simplifies these different emission rates into the following two components:

- Emissions when vehicles are stopped (idling) during the red phase of a signalized intersection; and
- Emissions when vehicles are in motion during the green phase of a signalized intersection.

The analyses followed USEPA's *Intersection Modeling Guidelines* (EPA-454/R-92-005) for CO modeling methodology and receptor placement. All major roadway segments (links) within approximately 1,000 feet of each analysis site (i.e., congested intersection) were considered. A mixing height of 1,000 meters and a surface roughness factor of 180 centimeters were included in all calculations.

A conservative analysis, which assumes that peak period vehicular emissions, traffic volumes, and intersection operating parameters occur every hour of each analysis year, was utilized. The use of peak hour baseline and Project-generated conditions would result in conservative predictions of pollutant levels and Project impacts.

**Background Values.** In estimating total pollution concentrations with and without the proposed Project, it is necessary to include consideration of the background pollutant levels for the study area. The background level is the component of the total concentration not accounted for through the microscale modeling analysis. Applicable background concentrations were added to the modeling results to obtain total pollutant concentrations at each receptor site for each analysis year. The CO background values, which are based on the most recent ambient monitoring data, were provided from Table 8 in the NYSDOT EPM Air Quality Manual (January 2001). Background concentrations were determined by considering the decreases in vehicular emissions due to federally-mandated emission control programs and vehicle turnover and the increases in background volumes. These values were calculated using the rollback method provided in Chapter 1.1, section 10.C.viii of the EPM. The background values used in the following analyses are provided in Table 7.

**Table 7: Pollutant Background Concentrations (ppm)**

Pollutant	Averaging Time	CO (ppm)
CO	1-hour	3.1
	8-hour	2.2

Source: NYSDOT Environmental Procedures Manual, January 2001

**Persistence Factor.** Maximum 1-hour values were estimated directly by the modeling analysis. The persistence factor 0.72 was used for 8-hour CO concentrations.

**Predicted 2031 Future No Build and Build Results**

Maximum predicted future CO concentrations at selected analysis sites for the future No-Build and Build conditions in 2031 are shown in Table 8. Predicted CO levels, which are based on future No-Build and future Build traffic conditions, do not exceed the applicable 1-hour or 8-hour CO standards. Therefore, no significant CO impacts would occur, and mitigation would not be required. This conclusion is consistent with the Canalside Project FGEIS air quality analysis findings.

**Table 8: Future No Build and Build Conditions (2031) Maximum 1-Hr & 8-Hr Co Levels (ppm)**

Time Period	No-Build		Build	
	2031	2031	2031	2031
	1-hour	8-hour	1-hour	8-hour
Weekday PM Peak	4.4	3.1	7.1	5.1
Saturday Peak	4.3	3.1	5.7	4.1

**Notes:**

1. All values include appropriate background concentration.
2. 1-hour CO background concentration = 3.1 ppm
3. 8-hour CO background concentration = 2.2 ppm

**Air Quality Impacts: Summary and Conclusions**

Based upon the preceding analysis, the proposed HARBORcenter Project would not result in any significant new air quality impacts that were not already evaluated in the Canalside FGEIS. Although changes in traffic levels would result in slight changes in air emissions and concentrations, no location would exceed federal standards for air quality.

#### **4. IMPACTS TO AESTHETIC RESOURCES**

##### **Existing Resources and Past Evaluation**

The Canalside Project FGEIS assessed the potential for impacts to visual resources for three build alternatives (Low-Density Alternative, Preferred Alternative, and High-Density Alternative). It was determined that all of the build alternatives would result in a positive impact to the visual setting of the Canalside Project area. The FGEIS concluded, "The Build Alternatives would create a public environment that changes from one place to the next, offers different orientations, provides for a variety of uses, and to varying degrees, would reduce the visual dominance of the Skyway."

##### **Anticipated Effects of HARBORcenter**

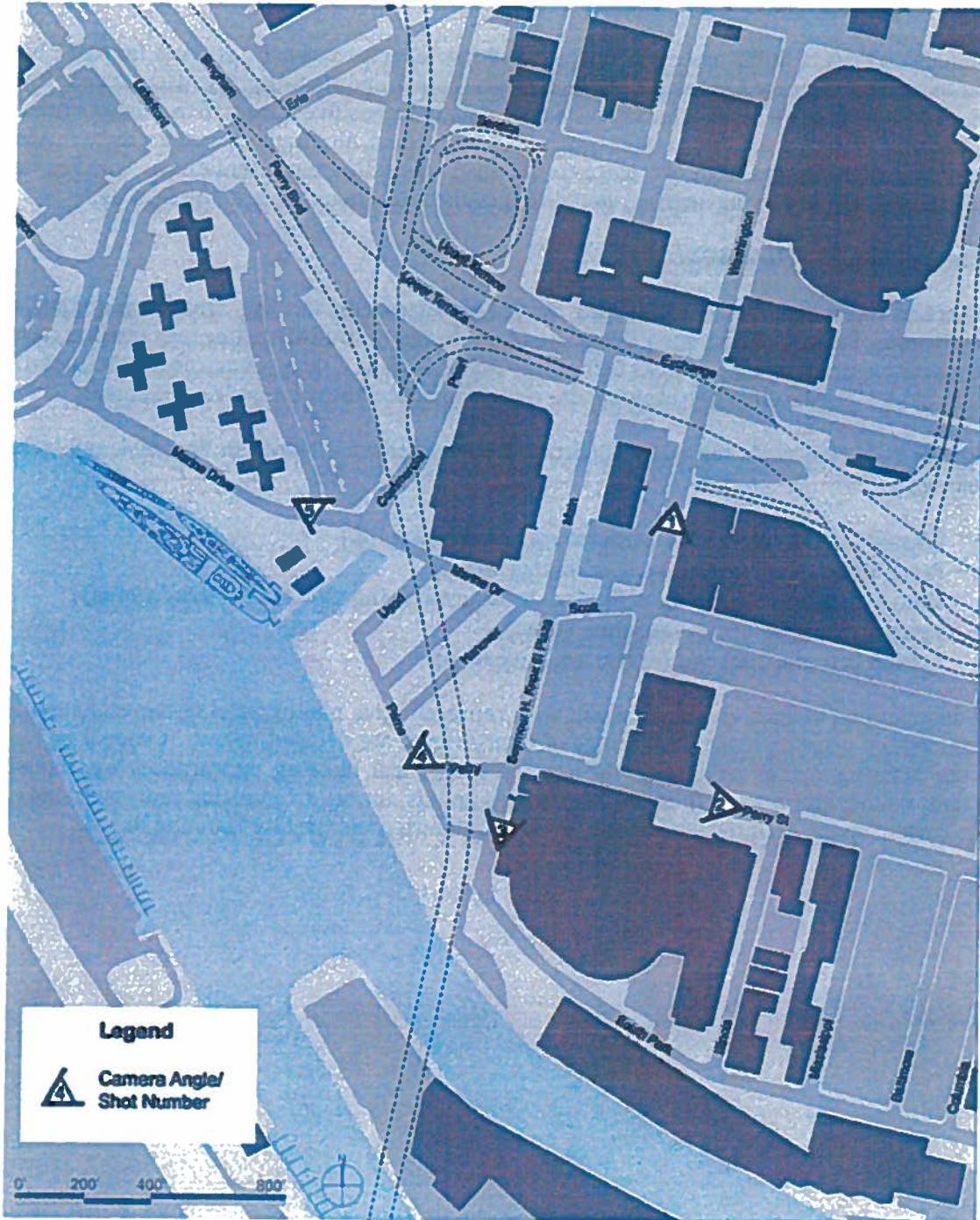
This section describes the existing and proposed viewsheds for the area surrounding the HARBORcenter Project. Based upon the preliminary design of HARBORcenter presented as part of the competitive procurement process before the City of Buffalo, a three-dimensional computerized massing model was developed to evaluate the visual impacts of the proposed development.

The locations of viewsheds reviewed as part of this evaluation are shown in **Figure 4**, and include the following.

- Washington Street looking south (south of Interstate 190)
- Perry Street looking west (west of Illinois Street)
- Main Street/Seymour H. Knox III Plaza looking north (north of South Park Avenue)
- Perry Street looking east (at Prime Street)
- Marine Drive looking east (at Marine Drive loop)

Brief descriptions of each viewshed, along with representative photographs of the existing views and conceptual massing model renderings of future views, are detailed below. It should be noted that the massing model renderings do not represent final building appearance (e.g., building materials, colors, and textures) as the Project design has not been completed and must undergo design review by the Architectural Design Review Committee and the City Planning Board.

Figure 4: HARBORcenter Project Viewshed Locations



**View 1 - Washington Street looking south (south of Interstate 190)**

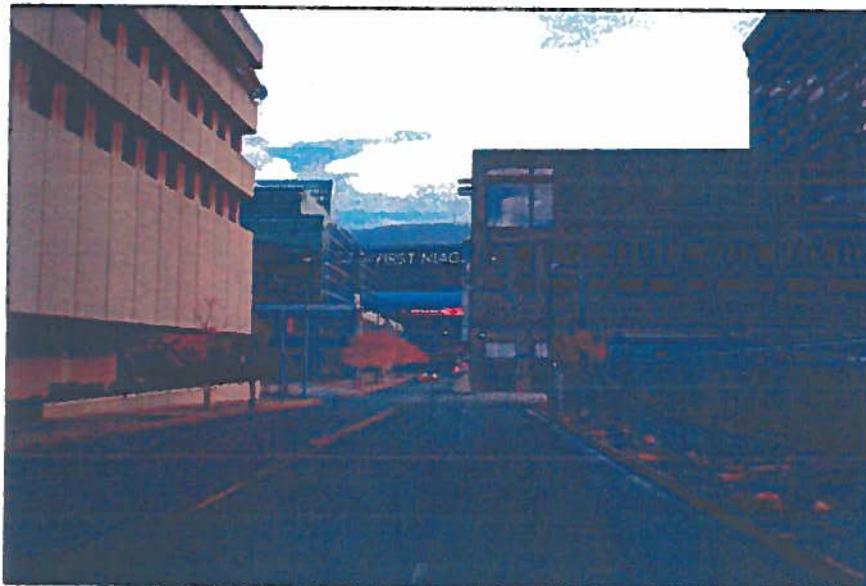
The primary element in the existing view (Figure 5) is the main entrance of the First Niagara Center at the southern terminus of Washington Street. Other buildings evident in this view (from left to right) include the Buffalo News building, HSBC Atrium building, and the future mixed-use development site on the Donovan Block currently under construction. The Skyway is visible in the distance to the southwest. The existing cartway north of Scott Street is a four-lane cross section and sidewalk along Washington Street northbound. The cartway would be narrowed to two-lanes with on-street parking south of Scott Street. The existing sidewalk along Washington Street southbound is currently barricaded due to the adjacent construction site.

The construction of the HARBORcenter Project would encroach into to the Washington Street right-of-way. This visual impact was not considered in the Canalside Project FGEIS. The view following construction of the HARBORcenter Project (Figure 6) shows a narrowing of the cartway width of Washington Street south of Scott Street resulting from the removal of on-street parking. The Buffalo News building, HSBC Atrium, and Donovan Block remain unchanged in the view, however a Perry Street entrance to the First Niagara Center at the Washington Street terminus is partially obscured by the HARBORcenter Project, which would be the primary element in this view. The Skyway would no longer be evident to the southeast. It should be noted that greenspace proposed for Scott Street and lane reconfigurations with curb bump-out at the northwest corner of Scott and Washington Streets are not shown in this massing model rendering.

Figure 5: View 1 – Washington Street looking south (south of Interstate 190) – Existing



Figure 6: View 1 – Washington Street looking south (south of Interstate 190) – Massing Model



It should be noted that the massing model renderings do not represent final building appearance (e.g. building materials, colors, and textures) as the Project design has not been completed and must undergo design review by the Architectural Design Review Committee and the City Planning Board.

**View 2 - Perry Street looking west (west of Illinois Street)**

The First Niagara Center (and atrium) and HSBC Atrium building are the key elements in the foreground of the existing view (Figure 7). The Skyway and Outer Harbor area are evident beyond Main Street to the west. The existing cartway is a wide two-lane cross section with taxi/loading areas adjacent to both structures. The loading area associated with the First Niagara Center along Perry Street eastbound is a pull-in area that narrows the width of the pedestrian plaza adjacent to the First Niagara Center. The existing sidewalk along Perry Street eastbound includes street trees and pedestrian-scale lighting, while along Perry Street westbound similar pedestrian-scale lighting and trash receptacles (that also serve as bollards) are evident.

The construction of the HARBORcenter Project would create a visual extension of the First Niagara Center across Perry Street to the north (Figure 8). This visual impact was not considered in the Canalside Project FGEIS. However, the view of the First Niagara Center and HSBC Atrium would be generally unchanged in the view. Beyond the HARBORcenter Project canopy, the Outer Harbor area and waterfront area would be still evident, but the Skyway would no longer dominant. Vehicular and pedestrian access along Perry Street would remain generally unchanged maintaining connection between the Erie Canal Harbor and the Cobblestone District. During final the final design phase, opportunities to increase street level activation along Perry Street would be further explored.

Figure 7: View 2 – Perry Street looking west (west of Illinois Street) – Existing

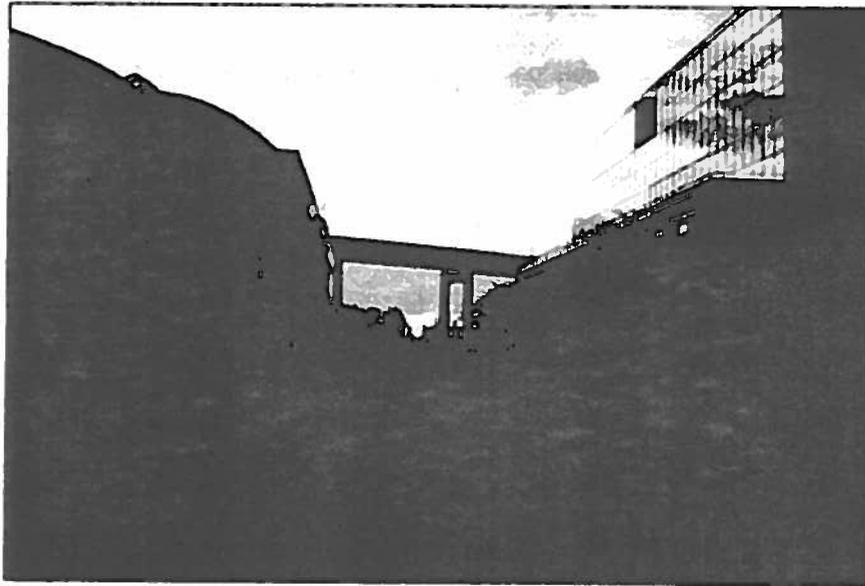
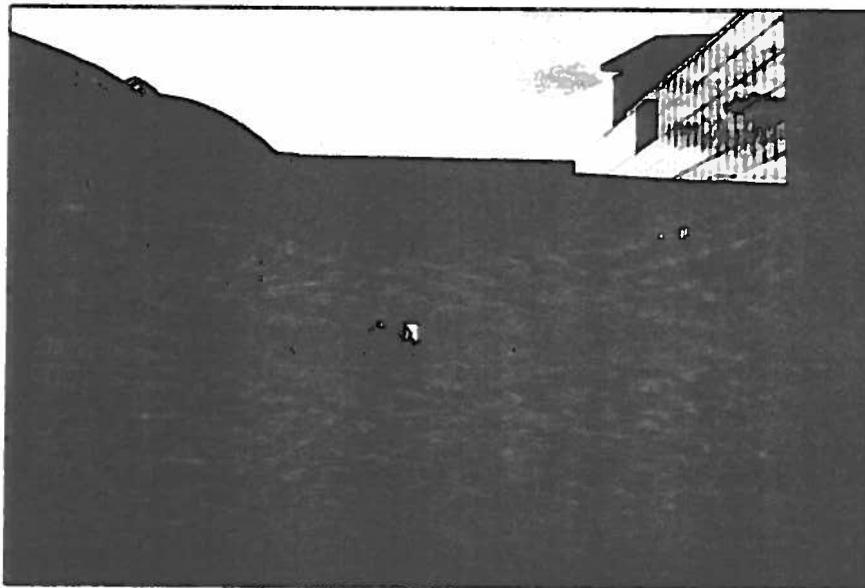


Figure 8: View 2 – Perry Street looking west (west of Illinois Street) – Massing Model



It should be noted that the massing model renderings do not represent final building appearance (e.g. building materials, colors, and textures) as the Project design has not been completed and must undergo design review by the Architectural Design Review Committee and the City Planning Board.

**View 3 - Main Street/Seymour H. Knox III Plaza looking north (north of South Park Avenue)**

The HSBC Center is the focal point of the existing view (Figure 9), with the First Niagara Center to the east and future mixed-use development site on the Donovan Block evident as well. The existing cartway of Main Street is a two-lane vehicular cross section with the Metro Rail and overhead catenary lines adjacent. The existing sidewalk along Main Street northbound (adjacent to the First Niagara Center) includes pedestrian scale lighting, while the sidewalk along Main Street southbound includes street trees, pedestrian scale lighting, bollards, and pedestrian amenities associated with the Metro Rail stop canopy/platform.

The HARBORcenter Project and HSBC Center would be the primary visual elements in the future view (Figure 10), while the view of First Niagara Center would remain unchanged. The future mixed-use development project on the Donovan Block would no longer be visible to the north due to its setback from the public right-of-way. Vehicular and pedestrian access along and across Main Street would remain generally unchanged.

Figure 9: View 3 – Main Street/Seymour H. Knox III Plaza looking north  
(north of South Park Avenue) – Existing

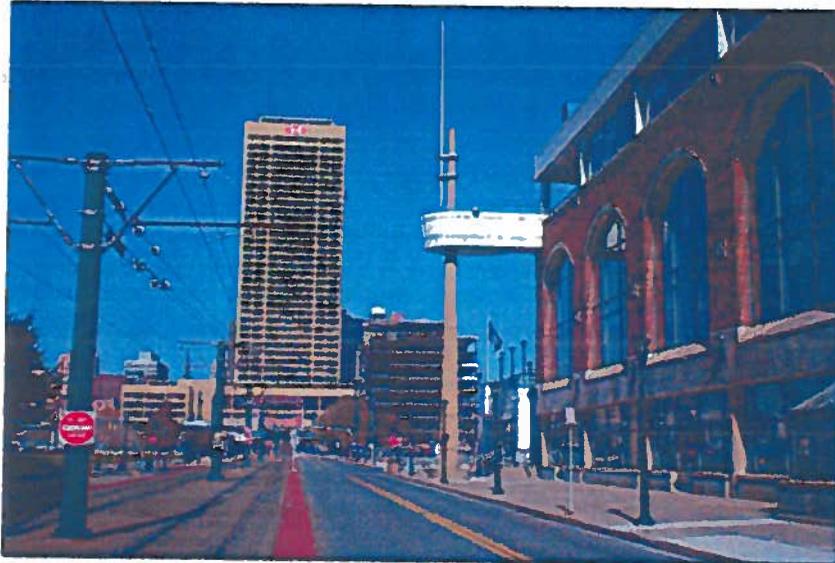
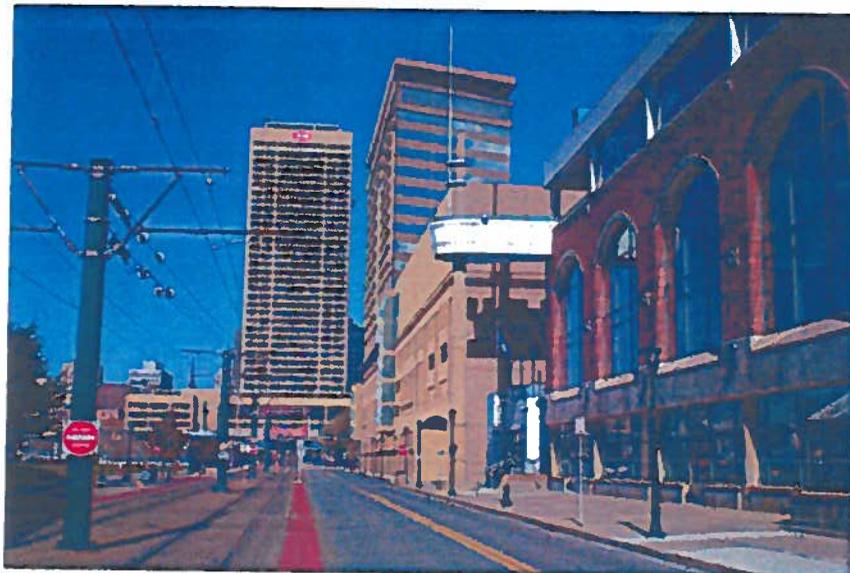


Figure 10: View 3 – Main Street/Seymour H. Knox III Plaza looking north  
(north of South Park Avenue) – Massing Model



It should be noted that the massing model renderings do not represent final building appearance (e.g., building materials, colors, and textures) as the Project design has not been completed and must undergo design review by the Architectural Design Review Committee and the City Planning Board.

**View 4 -Perry Street looking east (at Prime Street)**

The Skyway and its piers are the dominant element in the foreground of the existing view (Figure 11) along with the greenspace associated with the Erie Canal Harbor area. The HSBC Atrium building and First Niagara Center (and atrium) are evident to the east beyond the Skyway. The existing cartway of Perry Street is a single-lane, one-way cobblestone street, appropriately scaled for lower speed vehicular traffic through the Erie Canal Harbor area. In addition to sidewalks and pathways within the Erie Canal Harbor area, pedestrian amenities include pedestrian-scale lighting, street trees, and street furniture.

The Skyway and its piers would remain the dominant elements in the foreground with the construction of the HARBORcenter Project (Figure 12). Beyond the Skyway, the HARBORcenter Project would be the most visible element to the east. The HARBORcenter hotel tower would be evident to the northeast, while the First Niagara Center (and atrium) view would remain unchanged to the east. The HSBC Atrium building would no longer be visible. Vehicular and pedestrian linkages between the Erie Canal Harbor area and points east via Perry Street, including the Cobblestone District, would remain generally unchanged.

Figure 11: View 4 –Perry Street looking east (at Prime Street) – Existing

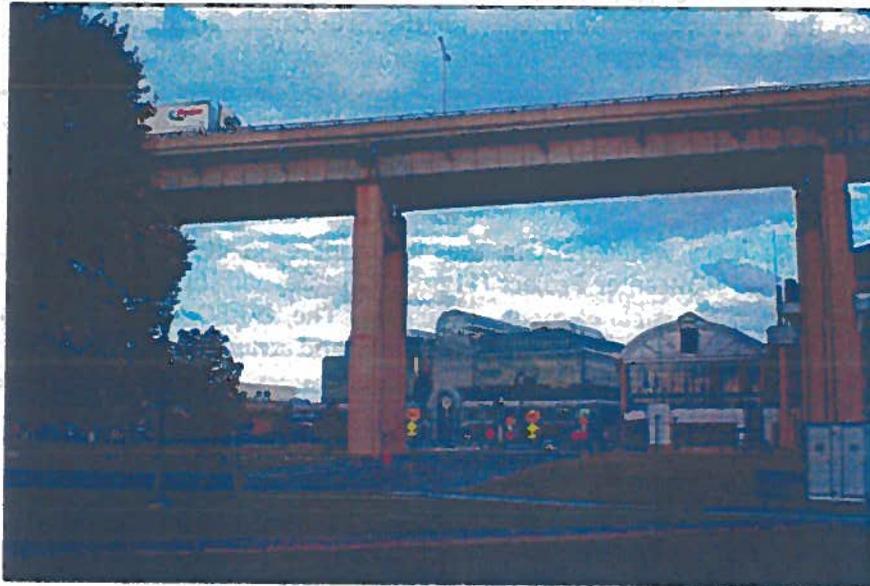


Figure 12: View 4 –Perry Street looking east (at Prime Street) – Massing Model



It should be noted that the massing model renderings do not represent final building appearance (e.g., building materials, colors, and textures) as the Project design has not been completed and must undergo design review by the Architectural Design Review Committee and the City Planning Board.

**View 5 - Marine Drive looking east (at Marine Drive loop)**

The Skyway and its piers are the dominant element in the foreground of the existing view (Figure 13), while the HSBC Atrium building and entrance to the First Niagara Center are evident beyond the Skyway to the east. Interpretive elements associated with the Erie Canal Harbor area are evident in the foreground to the south. The existing cartway of Marine Drive is a two-lane cross section with bike lanes adjacent to the vehicular travel lanes both eastbound and westbound. On-street parking is evident along Marine Drive eastbound adjacent to the Erie Canal Harbor area. Sidewalks are installed along Marine Drive westbound, but lack lighting. Sidewalks installed along Marine Drive eastbound are linked to the Inner Harbor area, and include pedestrian scale lighting and other amenities associated with the public open space.

The Skyway and its piers would remain the dominant elements in the foreground with the construction of the HARBORcenter Project (Figure 14). Beyond the Skyway, the HARBORcenter hotel tower would be the most visible element to the east. The HSBC Atrium would no longer be visible to the east, while the First Niagara Center would remain visible, though the atrium and entrances to the arena fronting Perry Street would no longer be evident. Vehicular and pedestrian linkages between the Erie Canal Harbor area and points east via Marine Drive would remain generally unchanged.

Figure 13: View 5 – Marine Drive looking east (at Marine Drive loop) – Existing

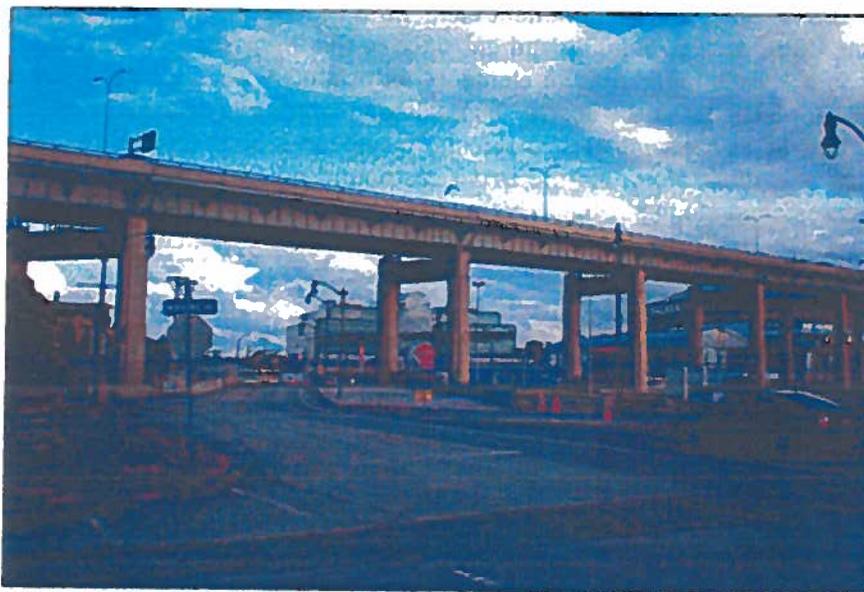


Figure 14: View 5 – Marine Drive looking east (at Marine Drive loop) – Massing Model



It should be noted that the massing model renderings do not represent final building appearance (e.g., building materials, colors, and textures) as the Project design has not been completed and must undergo design review by the Architectural Design Review Committee and the City Planning Board.

**State Environmental Quality Review Act (SEQRA)  
Full Environmental Assessment Form (EAF)  
And Supporting Analysis  
HARBORcenter Project  
Buffalo, Erie County, New York**

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The above visual impacts are generally consistent with the Canalside Project FGEIS findings. While the HARBORcenter Project does include design elements not considered in the Canalside Project FGEIS (i.e., construction over the Perry Street right-of-way and a narrowing of Washington Street), the potential impact would be considered minor as pedestrian and vehicular connections along Perry Street would be maintained as would be views to the Erie Canal Harbor and Outer Harbor. Similar construction over public streets is evident in a number of city locations, including but not limited to:

- HSBC Center, which bridges over Main Street;
- The Buffalo & Erie County Public Library, which bridges over Ellicott Street; and
- Portions of the Roswell Park Cancer Institute which bridge over North Oak Street and Carlton Street.

Opportunities to for street level activation along Perry Street will be explored during final design to enhance the pedestrian level experience on this block. Additionally, the Project will adhere to the design review process and City Planning Board review as specified in the Canalside MGPP. In turn, the design issues of building a structure over Perry Street and a narrowing of Washington Street will be reviewed and considered as part of the Common Council deliberations on necessary street/air rights abandonment actions necessary to allow such a development feature.

### **HARBORcenter Consistency with Design/Architectural Guidelines**

As part of its override of local development regulations, ESD and ECHDC adopted a set of site specific design guidelines presented in the Canalside Project FGEIS and the Canalside MGPP to foster desired aesthetic characteristics on all parcels within the 20-acres Canalside project area. These requirements, while guidelines to allow flexibility in design approaches, nevertheless are intended to promote a cohesive urban form that is inspired by the architecture of Buffalo's historic canal district. The preliminary design for the HARBORcenter Project would be generally consistent with vision expressed through the design guidelines.

The Project Sponsor's architectural design team reviewed and considered the Canalside Design Guidelines in preparing the preliminary Project design. The following summarizes those areas where the preliminary HARBORcenter Project design would not strictly conform to the Canalside Design Guidelines and explanation for such non-conformance.

- **2.1 Active Ground Floor Uses.** Exhibit 3: Active Ground Floor Use of the design guidelines indicates ground floor activation of approximately the west third of Perry Street and Scott Street. In the preliminary design for the HARBORcenter Project, Perry Street activation deemed less desirable than Scott Street, and as a result the majority of Scott Street would be activated in lieu of Perry Street. The design team will however continue to explore opportunities for street level activation along Perry Street.
- **3.1 Build-to Lines.** Exhibit 4: Mandatory Build-to Lines of the design guidelines indicates a street wall the length of Scott Street. The preliminary design for the HARBORcenter Project would turn the corner of Main and Scott Streets with a street wall, but allow the wall to drift away from the right-of-way in order to create a more meaningful activation of the street as indicated above. This also provides a continuation of the existing trees on the southeast corner of Scott and Washington Streets.
- **3.2 Height Limits.** Exhibit 5: Height Limits of the design guidelines indicates the recommended height limit for the parcel to be 150' and the recommended setback at 15' horizontally from the street at 60' in height. The east-west property dimension does not allow a true setback without creating an undue hardship on the development of the parcel. The preliminary HARBORcenter Project design would create a datum at approximately the 60' height with horizontal banding to imply a setback that can be seen in the exterior renderings (See Figures 15, 16, and 17). Also, the height restriction of 150' does not allow for the potential development of a +/- 200 key hotel. Only the hotel block would project above the design guideline height restriction. Of note is the maximum height considered for the parcel in the Canalside FGIES High Density Alternative, which is 200'.
- **4.2 Parking.** Exhibit 6: Structured Parking Locations of the design guidelines indicates structured parking on the street at the intersection of Scott and Washington Streets. As explained in the responses to Sections 2.1 and 3.1 above, this corner has been turned into a more pedestrian-friendly intersection. In turn, the parking element has been located further south and faces the remainder of Washington and Perry Streets.
- **4.2 Parking.** Exhibit 7: Parking and Service Access of the design guidelines indicates that service entrances to the parcel shall be from Washington Street. In order to provide the best site orientation for the hotel and retail along Main and Scott Streets, it would be necessary to provide a service entrance in connection with the proposed hotel. This has been done

from Scott Street. The service entrance would be fully covered and be behind coiling overhead doors.

None of the above non-conformances pose significant changes warranting a modification or revision of the design guidelines.

The proposed HARBORcenter Project including the above non-conformances will be subject to the above-referenced design review processes prescribed in the Canalside Design Guidelines, as well as review/approval by the Buffalo Common Council for certain elements of the project.

**Impacts to Aesthetic Resources: Summary and Conclusions**

Based upon the preceding analysis, the proposed HARBORcenter Project would not result in any significant new impacts to aesthetic resources that were not already evaluated in the Canalside FGEIS. The proposed Project would advance the purpose and intents of the MGPP objectives regarding urban design and visual character of the Canalside area. While the proposed preliminary design would in some cases not strictly conform to certain requirements of the Canalside Design Guidelines, these deviations would not result in any significant aesthetic impacts. The proposed preliminary design also introduces two new design elements that were not considered during the SEQRA review of Canalside—specifically use of the air space above Perry Street and a narrowing of one block of Washington Street—however these features would not result in any significant new adverse impacts. Final design of the Project would be undertaken in the context of a prescribed design review process (see Figure 18). The Project Sponsor proposes to expand this process to ensure that a consensus is reached on the final design of the Project. In turn, public review of the final design features involving building over Perry Street and narrowing Washington Street would be undertaken by the Buffalo Common Council.

Figure 15: West elevation showing horizontal banding



WEST ELEVATION  
1/14/14

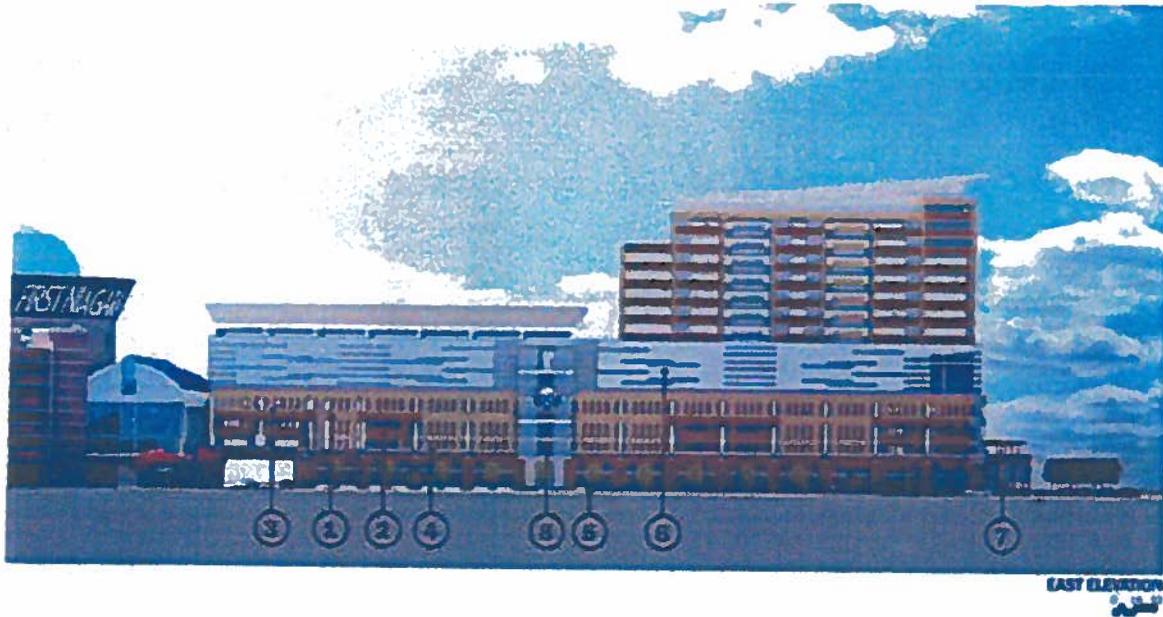
- 1 BRICK CLAD PRECAST PANEL TYPE 1
- 2 BRICK CLAD PRECAST PANEL TYPE 2
- 3 PRECAST ACCENT
- 4 METAL CORNICE / CANOPY
- 5 STONE BASE
- 6 ALUMINUM PANELS
- 7 ALUMINUM STOREFRONT
- 8 GLASS & ALUMINUM CURTAIN WALL

Figure 16: North elevation showing horizontal banding



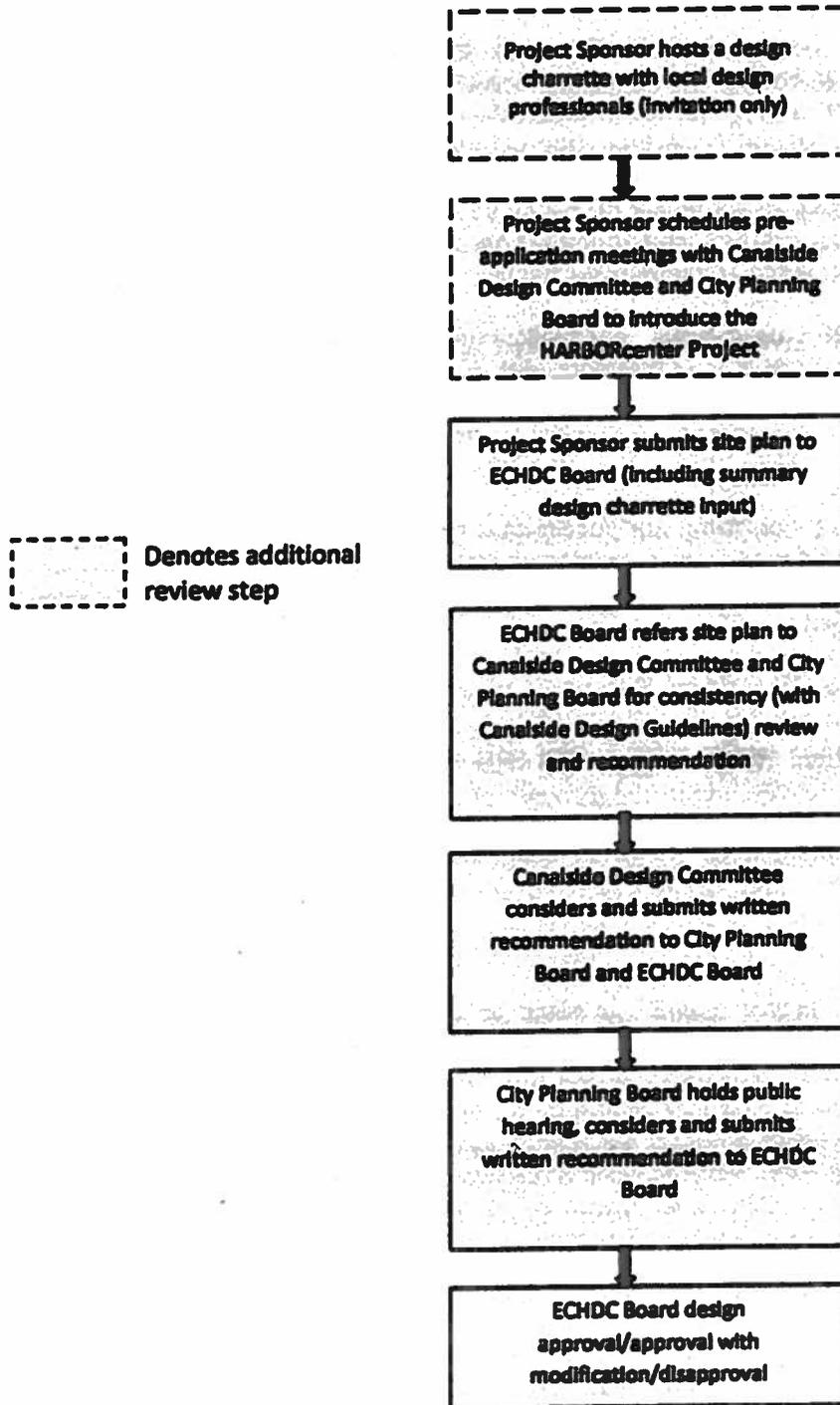
- 1 BRICK CLAD PRECAST PANEL TYPE 1
- 2 BRICK CLAD PRECAST PANEL TYPE 2
- 3 PRECAST ACCENT
- 4 METAL CORNICE / CANOPY
- 5 STONE BASE
- 6 ALUMINUM PANELS
- 7 ALUMINUM STOREFRONT
- 8 GLASS & ALUMINUM CURTAIN WALL

Figure 17: East elevation showing horizontal banding



- 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

Figure 18: HARBORcenter Project Design Review Approval Process



## 5. IMPACTS TO CULTURAL RESOURCES

### Existing Conditions

A Letter of Resolution (LOR) among the ESD, New York State Office of Parks, Recreation, and Historic Preservation, and the ECHDC for the Canalside Project (PR# 07PR4328) acknowledged that reconnaissance-level (Phase IA Study) had been undertaken for the project area. The Phase IA Study determined that the Canalside Project has the potential to have an impact on properties eligible for inclusion on the State/National Register of Historic Places (S/NRHP) and that the principal methodologies outlined in the Phase IA Study be documented in the Canalside Project FGEIS. The following stipulations were included in the LOR that would be implemented as part of the planning, design, and construction of the Webster Block:

1. Complete the Phase 1B investigation undertaken for the previously-proposed Adelphia Communications Operations Center building with an understanding that based upon the Phase IA Study, it is likely that portions of the block will require Phase 2 investigations.

Or alternatively,

2. Conduct additional deep trenching and incorporate the results in a complete Phase 1B/2 Report. The recovery of deeply buried prehistoric deposits adjacent to the former course of Little Buffalo Creek suggests that similar deposits may exist at those depths (575 ft AMSL) within the Webster Block.

In September 2010, the Phase 1B Cultural Resources Investigation for the Webster Block was completed by Panamerican Consultants, Inc. The investigation identified as many as four potential S/NRHP-eligible sites. In addition, undisturbed natural soils with qualities identical to those in the Erie Canal Harbor prehistoric site were identified throughout the block extending below depths of 5 to 10 feet. The Phase 1B investigation report recommended a Phase II archaeological investigation is needed to determine whether any of the identified resources possess integrity and are eligible for inclusion in the S/NRHP.

### HARBORcenter Impacts

The proposed HARBORcenter Project would not result in any significant new impacts cultural resources that were not already evaluated in the Canalside FGEIS, insofar as the Proposed Project involves the same level of ground disturbance as was envisioned under the Canalside project. The Project Sponsor will fully follow stipulations related to the Webster Block in the already-approved LOR with the New York State Office of Parks, Recreation and Historic Preservation in accordance with Section 14.09 of the New York State Historic Preservation Act. The Project Sponsor began work on the Phase 2 Cultural Resources Investigation on October 10, 2012 and investigations and if required, any mitigation will be completed prior to project construction.

## **6. IMPACTS TO TRANSPORTATION RESOURCES**

### **Existing Conditions/Prior Analyses**

The Canalside Project FGEIS evaluated potential impacts to the area transportation network based on three assumed build scenarios (Low-Density, Preferred Alternative, and High-Density Alternative). Specific mitigation measures to address potential traffic impacts were identified and included in the Lead Agency SEQRA Findings Statement. These prior analyses identified a series of potential impacts at the then-assumed estimated time of completion (2015) and the designated "design year", identified as 15 years after the completion of the Canalside project. A series of mitigation measures were identified that could be progressively evaluated as new projects came on line.

### **HARBORcenter Traffic Analysis**

In support of the HARBORcenter Project, a traffic analysis was conducted to identify potential traffic impacts associated with the proposed development on the Webster Block site and determine whether the Project has the potential to create impacts beyond those identified in the Canalside FGEIS. The HARBORcenter Project would construct a mixed-use development that would include retail, restaurant, hotel and twin ice-rink facilities. A total of 965 parking spaces would be located in the structure on the site of the existing 290 space Webster Block surface parking lot. It should be noted that the number of parking spaces may be refined during final design. Changes to parking space counts would not be significant. The Canalside MGPP does not provide minimum or maximum parking space requirements.

The HARBORcenter Project is proposing a reduction in the cross-sectional width of Washington Street in the block between Scott Street and Perry Street. The roadway is proposed to be reduced to one travel lane in each direction along with the elimination of the existing 16 on-street parking spaces. The roadway width reduction is required to accommodate the larger footprint of the HARBORcenter Project.

The traffic analysis and associated assumptions contained in Canalside Project FGEIS was the basis for this analysis. The Canalside Project FGEIS analysis was updated to reflect the development program and parking conditions as proposed by the HARBORcenter Project. The Webster Block development parcel and implementation schedule as detailed in the FGEIS Preferred Alternative were updated to reflect the HARBORcenter Project development with the resultant generated traffic volumes added to the adjacent roadway network. The analysis was targeted to the intersections in the vicinity of the Webster Block.

The following intersections were included in this targeted analysis:

- Perry Street with Seymour H. Knox III Plaza (Main Street);
- Perry Street with Washington Street;
- Perry Street with Michigan Avenue;
- Main Street with Scott Street;
- Scott Street with Washington Street;

- Scott Street with Michigan Avenue;
- Washington Street with the I-190 SB On-Ramp; and
- Washington Street with Exchange Street.

In addition, this analysis reviewed the site driveway intersections with the adjacent roadway network and investigated the short-term traffic conditions due to roadway closures associated with the construction period. This traffic analysis focused on the HARBORcenter Project site, and did not include an update of the entire 35 Canalside FGEIS study area roadway intersections.

An updated base Canalside Project development program, provided by the ECHDC, was incorporated into this analysis. While the overall development and phasing assumptions remained consistent with the Canalside Project FGEIS, adjustments to Aud Block development parcel due to the elimination of the Bass Pro retail component and a reduction in the full build out size of the Seneca Buffalo Creek Casino were included into the analysis. The analysis also included updates consistent with the ongoing development associated with the Donovan Block.

**Methodology and Assumptions**

*Site Details*

The HARBORcenter Project traffic analysis was conducted incorporating a trip distribution assumption that directed a majority of the anticipated Project traffic to utilize the HARBORcenter Project parking garage and the associated driveways. The parking garage is estimated to have a capacity of 965 vehicles spread out over five (5) levels. The HARBORcenter Project site includes a breakdown of parking spaces as indicated in Table 9.

**Table 9: HARBORcenter Project On-Site Parking Allowances**

Level	Planned Parking Stalls	Cumulative Parking Stalls
1	133	133
2	84	217
3	214	431
4	267	698
5	267	965
	<i>Total</i>	<b>965</b>

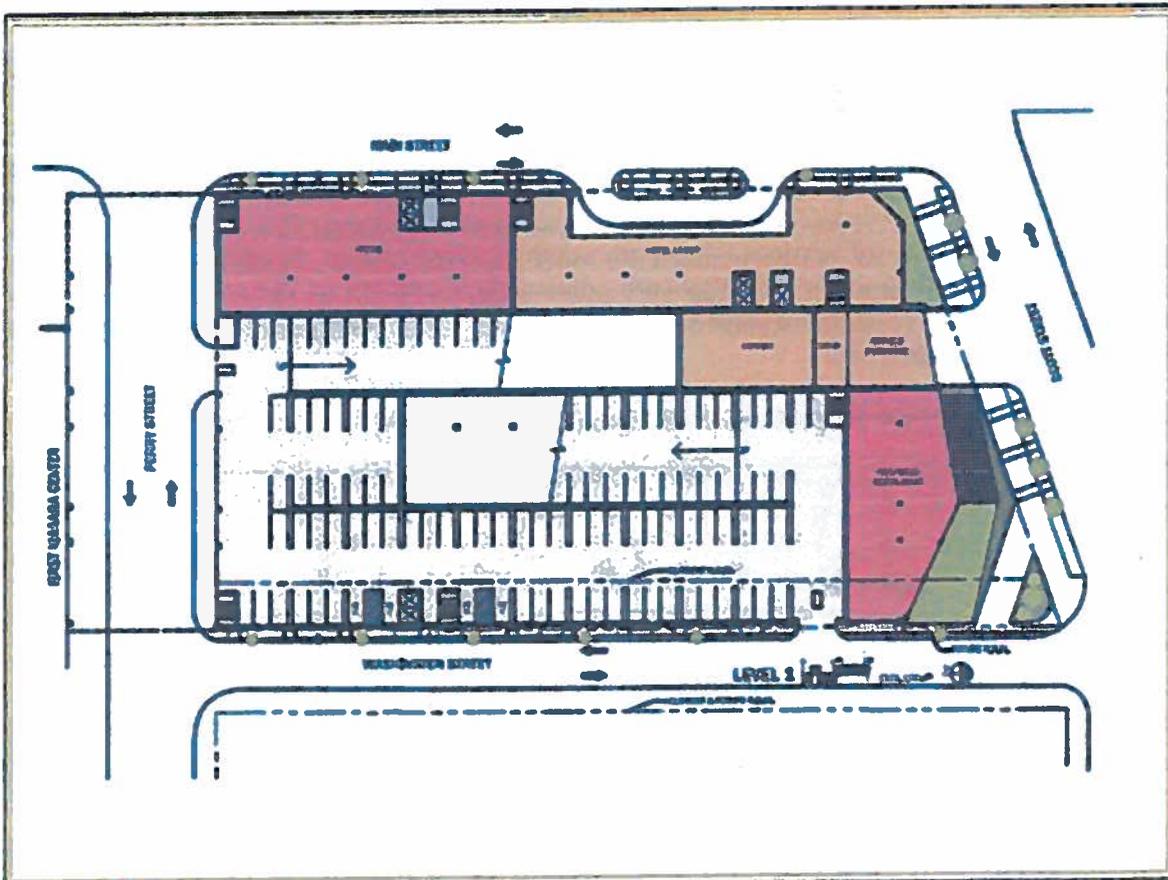
Source: Populous, Reference Plan A1-1, September 28, 2012

The parking garage would replace the current 290-stall surface parking lot on the Webster Block and 16 on-street parking spaces along Washington Street. Two hundred (200) parking stalls within the HARBORcenter Project parking garage would be reserved for hotel patrons. The net event

increase in event parking associated with the HARBORcenter Project parking garage on the Webster Block site would total 459 stalls.

The proposed parking garage design would have two (2) driveway access locations. One access driveway is proposed along Perry Street with the second access driveway planned on Washington Street. Both parking garage access driveways would be two-directional; with both access and egress from the garage provided. The driveway intersections would be assumed to be unsignalized and stop control for only the exiting traffic during regular (non-event) operations. The parking garage site plan and driveway locations utilized in this analysis are indicated in Figure 19.

Figure 19: Concept Site Plan HARBORcenter Project Parking Garage



Source: Populous, Reference Plan A1-1, September 28, 2012

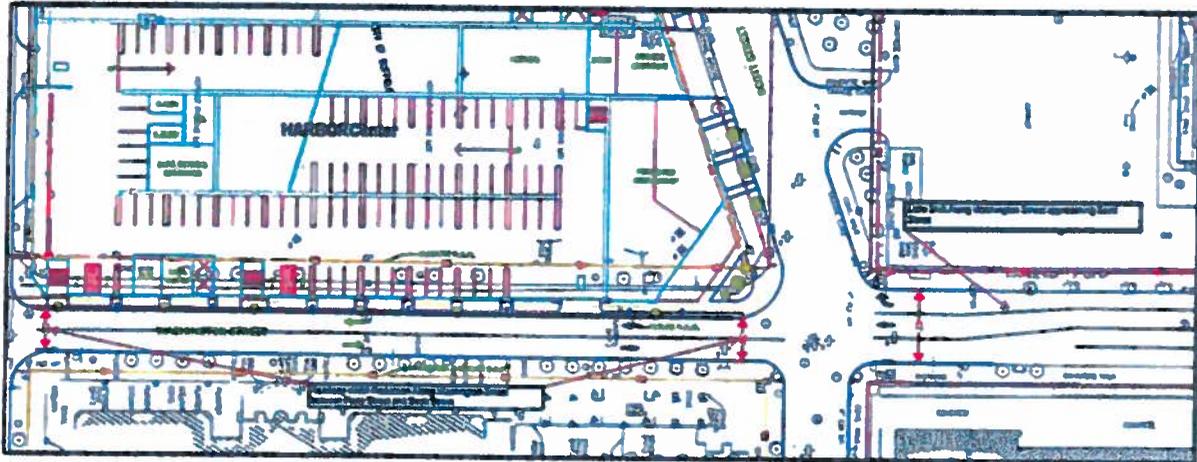
This traffic analysis utilized existing available intersection traffic volume information from the Canalside Project FGEIS. The analysis of the roadway network intersections was conducted using the SYNCHRO traffic simulation and analysis program.

Future background traffic projections were consistent to those utilized in the Canalside Project FGEIS analysis, utilizing the same growth rates and background land development assumptions with one exception; the Seneca Buffalo Creek Casino. Future background traffic volumes were revised utilizing traffic generation projections identified in the *Final Traffic Impact Study of the Seneca Buffalo Creek Casino* (June 2012). The updated casino plan includes 921 gaming stations along with a 720 space parking garage. This proposed development is a reduction from the previously proposed casino and hotel center which has resulted in a reduction of site generated traffic to the roadway network in the vicinity of the casino site. The HARBORcenter Project analysis includes a casino traffic generation adjustment based on the current site plan and study to more accurately reflect the anticipated no-build conditions in the Canalside Project area.

#### *Roadway Geometric Modification*

The proposed HARBORcenter Project will necessitate a reduction of the existing 42' Washington Street roadway cross-section between Perry Street and Scott Street. The proposed 24' cross-section will retain one twelve (12') travel lane in each direction but shift the roadway to the east curb and eliminate the existing on-street parking. As a result of this shift, the travel lanes along Washington Street through the Scott Street intersection would need to shift to retain alignment through the intersection. Travel lanes on the northern leg of Washington Street at the intersection should be reconfigured to 12' widths to match the south leg cross-section. In addition, the inclusion of a 12' to 14' right turn lane and potential curb adjustment/bump-out on the northwest corner to reduce the pedestrian crossing distance will be considered. This modification is assumed in this traffic analysis (See Figure 20).

Figure 20: Roadway Network Modification Washington Street Alignment



#### *Site Traffic Generation*

Site generated traffic used for the HARBORcenter Project build analysis was identified utilizing an update to the proposed Canalside Project development program. The updated Canalside Project program reflects recent changes to the Canalside development parcels and phasing along with the updated HARBORcenter Project development for the Webster Block. The traffic generation analysis

was conducted for the 2015 and 2031 design years. The analysis was conducted for the four scenarios consistent with the Canalside Project FGEIS traffic analysis; Weekday PM Peak, Saturday Peak, Weekday PM Peak with Event, and Saturday Peak with Event. Project trip generation assumptions remained similar to those used in Canalside Project FGEIS traffic analysis.

HARBORcenter Project site generated traffic for the analysis peak periods assumes a "standard" operating condition at the two ice rinks located within the Project. This is meant to assume the inclusion of support personnel, minor league or public usage and related activities. The trip generation does not include trips that would be generated by an "event" occurrence at the ice-rink facilities. In addition, the proposed operating plan does not support the occurrence of "dual events" occurring at the First Niagara Center and the HARBORcenter ice rinks. For this analysis, the Build with Event traffic condition is reflective of a First Niagara Center event and standard HARBORcenter operations.

A summary of the projected trips associated with the updated Canalside development and phasing scenario, including the HARBORcenter Project, is shown in Table 10. As indicated, by the year 2015 total development would be 496,660 square feet and would result in total vehicle trips ranging from 2,146 during the Weekday PM Peak hour to 1,742 during the Saturday Peak. By the year 2031, total development would be 1,071,535 square feet and total vehicle trips would range from 3,503 during the Weekday PM Peak to 3,742 during the Saturday Peak. A summary of the Canalside Project FGEIS development scenario is also included in Table 10 for comparison. As indicated, forecast total vehicle trips would be lower in the Year 2031 under the updated Canalside proposed program, which includes the HARBORcenter Project, as compared to the previously analyzed Canalside FGEIS proposed program build condition.

State Environmental Quality Review Act (SEQRA)  
Full Environmental Assessment Form (EAF)  
And Supporting Analysis  
HARBORcenter Project  
Buffalo, Erie County, New York

**Table 10: HARBORcenter Project Development Assumptions Trip Generation Calculations**

Build Scenario	Parcel Development								Total Vehicle Trips	
	Retail (sf)	Restaurant (sf)	Office (sf)	Residential (Units)	Hotel (Rooms)	Cultural/Museum (sf)	Ice Rink Seating	Total Development Area (sf)	Weekday PM Peak	Saturday Peak
<b>Updated Program w/HARBORcenter<sup>a</sup></b>										
Year 2015	91,830	101,385	80,000	50	398	46,410	2,000	496,660	2,146	1,742
<b>Updated Program w/HARBORcenter<sup>a</sup></b>										
Year 2031	191,330	157,885	239,100	190	398	46,410	2,000	1,071,535	3,503	3,742
<b>Canalside FGEIS (Year 2031)<sup>**</sup></b>										
Preferred Program	277,250	173,750	293,600	215	250	20,000	N/A	1,175,000	3,842	4,409

<sup>a</sup> Reflective of ECHDC Development Parcel Program (updated October 5, 2012)

<sup>\*\*</sup> Reflective of Canalside Project FGEIS ECHDC Development Parcel Program (June 29, 2009)

The HARBORcenter Project would be located on the site referred to as the Webster Block development parcel under the Canalside FGEIS. Comparing the Year 2031 HARBORcenter Project trip generation to the original Canalside Project FGEIS proposed program build condition trip generation specific to the Webster Block indicates that the proposed number of trips would increase under the HARBORcenter Project parcel development. The calculated number of trips during the Weekday PM Peak period for the original Canalside parcel development was 325 compared to the updated HARBORcenter Project parcel development of 392; a difference of 67 additional vehicle trips. The calculated number of trips during the Saturday Peak period for the original Canalside parcel development was 417 compared to the updated HARBORcenter Canalside parcel development of 573; a difference of 156 additional vehicle trips. Differences in the development parcel including a larger hotel and a conservative trip generation associated with the double ice rinks accounts for the projected increase in the overall trip generation. A summary of the projected trips associated with the original and updated Canalside Webster Block parcel developments is shown in Table 11.

**Table 11: Trip Generation Comparison**

Canalside Project FGEIS Webster Block Year 2031 Total Vehicle Trips <sup>*</sup>		HARBORcenter Project Updated Canalside Webster Block Year 2031 Total Vehicle Trips <sup>**</sup>		Change of Total Vehicle Trips	
Weekday PM Peak	Saturday Peak	Weekday PM Peak	Saturday Peak	Weekday PM Peak	Saturday Peak <sup>†</sup>
325	417	392	573	67	156

<sup>\*</sup> Reflective of Canalside FGEIS Development Parcel Program (June 29, 2009)

<sup>\*\*</sup> Reflective of ECHDC Development Parcel Program (updated 10/5/2012)

In summary comparing the trip generation numbers to the previous Canalside Project FGEIS Impact analysis, the overall number of build generated vehicle trips would be lower in the year 2031 due to changes in the overall Canalside proposed development program, while the trip generation specific to the Webster Block development parcel under the HARBORcenter Project would be higher.

**Site Traffic Generation**

Projected vehicle trips generated by the updated Canalside Project development program and specifically the HARBORcenter Project were distributed onto the roadway network based on existing traffic patterns, regional trip distribution, and access to regional highways based on the locations of the proposed parking garage driveways. Generalized distribution assumptions for the site generated traffic included the following:

- 25% approach/depart from the south via the Thruway (5% via Louisiana Street);
- 25% approach/depart from the north via the Thruway;
- 20% approach/depart from the east via Route 33;
- 15% approach/depart from the southwest via Route 5; and
- 15% approach/depart from city streets.

To support the detailed trip distribution for the HARBORcenter Project, specific assumptions to site traffic were incorporated. These assumptions included directing 100% of the ITE Trip Generation Manual hotel, restaurant and retail generated traffic associated with this Project to the HARBORcenter Project parking structure. In addition, overflow parking demand from the adjacent Donovan Block development and a portion of the Erie Canal Harbor development parcels traffic were routed to the HARBORcenter Project parking structure. For all other Canalside Project development parcels, planned parking lots and on-street parking options as identified for the Canalside project were retained and utilized as part of the build condition traffic distribution analysis.

Due to the location of the HARBORcenter Project parking garage, traffic for the garage that would be destined to the Route 33 Kensington Expressway was divided between available routes along Washington Street and Michigan Avenue. Initial year 2015 analysis included a 65/35 percent split between Washington Street and Michigan Avenue, respectively while the future 2031 analysis incorporated a 50/50 percent split of Route 33 bound traffic between the two roadways. The initial year distribution variance was based upon the existing travel patterns of traffic destined to One HSBC Center based primarily around Washington Street and Exchange Street. Future travel patterns of any relocated staff were assumed to adjust to the additional option of utilizing Michigan Avenue as a connection between the HARBORcenter Project parking garage site and Route 33.

Site specific driveway traffic volumes were identified based upon trip generation distributed to the nearest driveway location. The parking garage driveway intersections were assumed to be unsignalized intersections with the adjacent roadways. No traffic signal warrant analysis was conducted as part of this analysis effort. The site driveways are anticipated to be police controlled during event conditions.

#### **Anticipated Traffic Impacts**

##### *Intersection Operations*

Results of the intersection analysis are summarized in Table 12.

##### Existing Conditions

Under the existing conditions, all of the intersections in this analysis would operate at a LOS A or B both with and without event conditions during the Weekday PM Peak and Saturday Peak periods.

##### *Design Year 2015*

##### No-Build

Design year 2015 No Build conditions indicate intersection operations similar to those found under the Canalside Project FGEIS analysis. The Scott Street with Michigan Avenue intersection would operate at a LOS E in the Weekday PM Peak period with event conditions. The heavy traffic along Michigan Avenue would reduce the available gaps for traffic from the unsignalized Scott Street approaches to enter and cross the roadway. Under event conditions, the intersection of Washington Street with the I-190 Ramp would operate at an acceptable LOS C in the Weekday PM Peak period, but the southbound movement operates at a LOS E; a result of the heavy northbound traffic on Washington Street.

In the design year 2015 No-Build condition, all intersections would operate at acceptable levels of service both with and without an event during the Saturday Peak period.

### **Build**

During the Build design year 2015 Weekday PM Peak period, the Scott Street with Michigan Avenue intersection overall would operate at an acceptable LOS D, although the eastbound approach to the intersection is forecast to operate at a LOS F. The heavy traffic along Michigan Avenue would reduce the available gaps for traffic from the unsignalized Scott Street approaches to enter and cross the roadway. This intersection, overall, would operate at a LOS F when analyzed under event conditions.

The intersection of Washington Street with the I-190 on-ramp would operate at an acceptable LOS C in the Weekday PM Peak period, but the southbound movement would operate at a LOS F. Under event conditions, the intersection would operate at an LOS F in the Weekday PM Peak period and the southbound movement would continue to fail. This is a result of the heavy northbound traffic on Washington Street that would reduce the acceptable gaps for southbound vehicles turning into the I-190 on-ramp.

The Scott Street with Washington Street intersection would operate at an acceptable LOS B without event conditions and at a LOS D under event conditions. All of the remaining intersections would operate at an acceptable LOS in both with and without an event during the Weekday PM Peak period.

In the Saturday Peak period design year 2015 Build condition, all intersections would operate at acceptable levels of service both with and without an event.

The two driveway intersections from the proposed HARBORcenter Project parking garage with the adjacent roadways (Perry and Washington Streets) are anticipated to operate at acceptable levels of service under both Weekday PM and Saturday Peak periods.

### **Design Year 2031**

#### **No-Build**

Design year 2031 No Build conditions indicate intersection operations would deteriorate slightly due to increased traffic at a number of locations. The eastbound approach at the Scott Street with Michigan Avenue intersection would operate at a LOS F in the Weekday PM Peak period while the overall intersection would operate at a LOS F under the event conditions. The heavy traffic along Michigan Avenue would reduce the available gaps for traffic from the unsignalized Scott Street approaches to enter and cross the roadway.

Under event conditions, the intersection of Washington Street with the I-190 on-ramp would operate at a LOS E in the Weekday PM Peak period; a result of the heavy northbound traffic on Washington Street.

In the Saturday Peak period design year 2031 Build condition, all intersections would operate at acceptable levels of service both with and without an event.

***Build***

During the year 2031 Weekday PM Peak period, the intersection of Washington Street with the I-190 on-ramp would operate at a LOS E under regular conditions and would fail under event conditions in the Weekday PM Peak period. Operations would fail both with and without an event in the Weekday PM Peak at the intersections of Scott Street with Washington Street and Scott Street with Michigan Avenue. The single lane northbound approach along Washington Street to the Scott Street intersection is forecasted to operate at a LOS F while the remaining approaches at this intersection would operate with acceptable LOS. All remaining intersections would operate at an acceptable LOS in both with and without an event during the Weekday PM Peak period.

Design year 2031 analysis indicates the proposed HARBORcenter Project parking garage driveway at Perry Street would operate at acceptable levels of service both with and without an event during the Weekday PM Peak period. The HARBORcenter Project driveway with Washington Street would operate with heavier traffic volumes exiting the parking garage and combined with the higher Washington Street volumes results in the intersection operating at a LOS F during event and non-event Weekday PM Peak and Saturday Peak periods.

In the Saturday Peak period design year 2031 Build condition, all intersections would operate at acceptable levels of service both with and without an event with the exception of the intersection of Scott Street with Washington Street. This intersection would operate at a LOS F under both non-event and event Saturday Peak traffic conditions.

***Comparison to Canalside FGEIS***

Comparing the 2031 Build Condition non-event Weekday PM Peak and Saturday Peak Period analysis to the previous Canalside Project FGEIS 2031 Build Condition analysis indicated variances but generally similar operation levels at the targeted analysis intersections. Four (4) intersections showed no changes in LOS operation; Perry Street with Main Street, Scott Street with Michigan Avenue, Washington Street with the I-190 on-ramp, and Washington Street with Exchange Street, during both peak periods. The operations of the Scott and Main Street intersection improved in both the Weekday PM Peak and Saturday Peak periods from LOS C and D, respectively, to a LOS B. Acceptable operating conditions remained and improved at the intersection of Perry Street with Michigan Avenue (LOS C to LOS B) and at the intersection of Perry Street and Washington (LOS C to LOS A) during the Weekday PM Peak period. The Saturday Peak period operations at these two intersections remained an acceptable LOS B and LOS A, respectively. Reduced operations were observed at Scott Street with Washington Street during both peak periods. During the Weekday PM Peak period the LOS was reduced from a LOS E to an LOS F. During the Saturday Peak period the LOS was reduced from a LOS B to a LOS F. The results comparison is shown in Table 12.

**Table 12: 2031 Build Condition Non-Event Comparisons**

Intersection	Canalside Project FGEIS		HARBORcenter Project	
	Non-Event Operations		Non-Event Operations	
	Weekday PM Peak	Saturday Peak	Weekday PM Peak	Saturday Peak
Perry Street & Main St./Knox Plaza	A/8.4	A/8.2	A/8.5	A/8.3
Perry Street & Washington Street	C/15.6	A/8.7	A/10.4	A/9.2
Perry Street & Michigan Avenue	C/21.4	B/10.8	B/12.0	B/11.5
Scott Street & Main St./Knox Plaza	C/30.7	D/35.7	B/14.2	B/16.2
Scott Street & Washington Street	E/57.6	B/15.3	F/170	F/113
Scott Street & Michigan Avenue	F/114	A/2.0	F/86.8	A/4.0
Washington Street & I-190 On-Ramp	E/49.6	A/1.6	E/49.7	A/0.8
Washington Street & Exchange Street	B/10.7	B/10.6	B/13.1	B/15.3

Reduction of the background traffic generation associated with the Seneca Buffalo Creek Casino reduced the traffic impacts at the intersections along Washington Street and Michigan Street in this analysis as compared to the Canalside Project FGEIS analysis. The reduction in the number of trips to the casino resulted in an acceptable background operations at the Perry Street with Michigan Street intersection.

**Event Roadway Network Operations**

Event condition HARBORcenter Project parking garage driveway operations were assumed to operate as unsignalized intersections but in actuality may be police controlled following the conclusion of an event. The Buffalo Sabres organization coordinates event traffic control with the City of Buffalo Police Department. The current event operations plan closes Washington Street (between Scott and Perry Streets) to southbound traffic and creates two lanes for northbound travel. This configuration is enacted primarily for patrons parking on the Webster Block surface parking lot and at the First Niagara Center garage to more efficiently exit the arena area following an event. The two northbound lanes currently align with the two northbound lanes of travel on Washington Street north of Scott Street.

As previously noted, the HARBORcenter Project parking garage is proposed to have 965 parking stalls. The parking garage replaces the 290 stall surface parking lot and 16 on-street parking spaces. Although 200 parking stalls would be reserved for hotel patrons, there will be an increase in event parking at the HARBORcenter Project site of 459 parking stalls. The HARBORcenter Project retains the existing traffic demand on the roadway network in the post event condition.

The HARBORcenter Project proposes to reduce Washington Street to one north bound and one southbound lane between Scott and Perry Streets. A 24 feet wide roadway cross-section would be retained on this block of Washington Street. During the event condition, Washington Street should still be converted to two lanes of northbound travel – the same configuration as the current event condition. Vehicles exiting the HARBORcenter Project parking garage would exit onto Washington Street northbound (from the Washington Street exit) and east on Perry Street then north on Washington Street (from the Perry Street exit). Due to the Washington Street width reduction however, barricaded lane control would be necessary along Washington Street to provide for two northbound lanes through the Scott Street intersection. The Washington Street southbound through lane at the Scott Street intersection would need to be closed and the space utilized for the second northbound travel lane. This is a result of the re-alignment of the Washington Street travel lanes through the intersection under normal conditions as described in the Roadway Network Impacts discussion. Police control of the intersection should also be maintained.

Due to the heavy pedestrian flows across Perry Street immediately following the conclusion of an event at the First Niagara Center, it is anticipated that the Perry Street exit from the HARBORcenter Project parking garage will be closed for a period of up to 15 to 30 minutes following an event to reduce the conflict of vehicles and pedestrians along Perry Street or closed with traffic redirected to an additional "event only" exit on Washington Street. The Project Sponsor will coordinate, on a regularly scheduled basis, a review of post event operations with the City of Buffalo Department of Public Works, Parks and Streets and the City of Buffalo Police Department. The determinations from these coordination meetings will provide guidance to the operations of the street network and the HARBORcenter Project parking garage entrances and exits in pre- and post-event conditions.

#### **Maintenance of Traffic during Construction**

Temporary impacts to the roadway network are anticipated through the construction period. Traffic would be maintained around the Project area during most of the construction period. However, some roadway closures are being proposed to support the Project construction schedule.

Roadway closures during construction are anticipated for Washington Street and also for Perry Street. While the final schedule has not been set and may be subject to revisions, the construction staging based on an October 5, 2012 schedule would require that Washington Street be completely shut down for a seventeen (17) month duration of the Project beginning February 1, 2013. Perry Street would also need to be shut down during the early phases of construction from June to July of 2013 for pile driving and column construction. Short-term roadway closures for utility relocations and related construction efforts are anticipated along Scott Street and Seymour H. Knox III Plaza.

The Project Sponsor would compile a street closure plan and work with the City of Buffalo to implement any closures. Traffic operational adjustments and detour signing (vehicular and pedestrian) will be required to support any roadway closures. The Project Sponsor will coordinate construction activities with the Niagara Frontier Transportation Authority (NFTA) to alert the agency of construction areas that will impact bus routes and Metro Rail operations in the area. The Project Sponsor will also schedule meetings with adjacent property owners and tenants in advance of construction activities to identify potential concerns and collaboratively develop solutions to address those concerns.

Due to the roadway closures during the construction period, an analysis of the Washington Street with Scott Street intersection was conducted to determine the potential impacts to the traffic operations during the construction under a Washington Street roadway closure. The analysis utilized the 2015 no-build traffic volumes as a worst case scenario. Forecast traffic volumes along Washington Street were relocated to and from Scott Street since Scott Street provide a connection to Perry Street via Michigan Street. The intersection analysis included an adjusted phasing and signal timings due to the elimination of the western Washington Street leg of the intersection. The analysis was conducted for the Weekday PM Peak period and the Saturday PM Peak period under event conditions. Results of the analysis are indicated in Table 13. As indicated, the level-of-service for both Weekday PM Peak scenarios during a Washington Street closure would remain at an acceptable LOS B. During the Saturday Peak period, there would be a slight increase of delay in both the event and regular non-event scenarios. The delay increase changes the operation from a LOS A to an acceptable LOS B.

The proposed roadway closures would occur during planned events at the First Niagara Center. Based on proposed schedules, 16 regular season Sabres games from the 2012-2013 season would occur during the year 2013 Washington Street closure period. The roadway closure extending through the first half of 2014 would also impact regular season Sabres games during the 2013-2014 season and other events yet to be scheduled. Vehicular traffic approaching the arena and destined to the First Niagara Center parking garage may be impacted by these roadway closures. The Project Sponsor will undertake a media information dissemination effort and direct communications with event ticket holders to ensure the motoring public is aware of the roadway constraints in the area.

**Table 13: Washington Street with Scott Street Intersection Analysis  
 Maintenance and Protection of Traffic during Construction Condition**

Existing Geometry		During Construction: NB Washington Street Closed				Comment	
Standard Operations		Standard Operations		Event Operations			
Weekday PM Peak	Saturday Peak	Weekday PM Peak	Saturday Peak	Weekday PM Peak	Saturday Peak	Weekday PM Peak	Saturday Peak
B/11.4	A/97	B/10.8	B/12.4	B/13.8	B/10.6	Adjusted timing to provide 6 seconds of green time to the Scott Street approach (base 60 sec. cycle).	Adjusted timing to provide 4 seconds of green time to the Scott Street approach (base 60 sec. cycle).

### **Pedestrian Accommodation**

The HARBORcenter Project would provide accommodations for pedestrian movements and would maintain the perspective of the pedestrian experience within the larger Canalside Project area. The HARBORcenter Project would provide for existing sidewalks within the public right-of-ways, and would create pedestrian scale green spaces at the corners of the property along Scott Street. Sidewalks along Scott Street would be wide in support of the Canalside design guidance. In addition, the hotel loading zone will be located on site under the building to provide separation from street sidewalk areas. Pedestrian access and accommodation associated with the HARBORcenter Project is generally consistent with the design approach identified under the larger Canalside project.

### **Bicycle Accommodation**

No new formal accommodation of bicycles along the roadways surrounding the Webster Block site is proposed under the HARBORcenter Project. The HARBORcenter Project would retain the existing bike lane located along Scott Street and would not preclude the inclusion of bicycle accommodation on other roadways within the larger Canalside Project area. The reduction of the roadway width along Washington Street would prevent the addition of bike lanes along the roadway however; this situation would be consistent with the overall bicycle plan as identified by the City of Buffalo through the Project area.

### **Bus Accommodation**

The proposed reduction of the Washington Street roadway cross-section may result in a reduction the types of vehicles that can be accommodated at the Perry Street and Scott Street intersections, particularly buses. The NFTA bus routes 14, 16, 36 and 74 may be impacted by the reduced roadway cross-section to accommodate the bus's existing turn from the bus stop on Perry Street onto Washington Street. In addition, the southbound alignment shift along Washington Street would preclude use of the current sheltered NFTA stop for bus routes 6, 14, 16 and 36 on Washington Street at Scott Street since the curb lane would become a right turn only lane. A relocation of the shelter and bus stop location may be required allow southbound busses the ability to continue straight through the intersection.

The Project Sponsor will confer with NFTA officials regarding the implications of the Project upon bus operations, either as part of the design review process or independently, and suggest measures to adequately accommodate necessary bus movements in the Project area.

### **Comparison of Canalside Mitigation Measures**

Roadway network and operation mitigation improvements were identified as part of the Canalside Project FGEIS to assist traffic operations within the larger Canalside Project area. The mitigation measures identified for the Canalside Project were consistent with the improvements necessary as part of the HARBORcenter Project and were found to be consistent between the two projects. In addition to the improvements detailed in the prior sections, Canalside roadway network mitigation measures that would be consistent with the HARBORcenter Project include the following:

- Conversion of a portion of the Marine Drive loop roadway to two-way operation allowing direct access from the Commercial Slip Parking Garage driveway to Marine Drive. This modification would allow the parking garage traffic to access the site without impacting the residential loop roadway traffic around the apartment complex. This modification is recommended regardless of the Marine Drive loop roadway traffic direction on the residential loop.
- Develop and install a directional signing program that efficiently directs motorists to and from the Canalside attractions and the parking garage driveway locations. The program should be designed to route traffic around residential areas near the Project Area; especially to and from the Commercial Slip Parking Garage driveways.
- Conduct a traffic study in the Project Area following completion of the Phase I year 2015 build out to identify any traffic operations and capacity issues associated with the Project and to determine potential mitigation measures to address the issues. The study should be conducted by the ECHDC in consultation with the City of Buffalo and Canalside stakeholders.
- Police oversight of Donovan Parking Garage driveways during event conditions to allow traffic to exit onto Washington Street from the garage driveway (modify to add HARBORcenter Project parking garage driveways).
- Conversion of the second northbound lane along Washington Street into a channeled right turn lane at the Thruway Southbound entrance ramp intersection to improve the operating condition of the Washington Street with Thruway Southbound Ramp intersection.
- The installation of a traffic signal at the Michigan Avenue with Scott Street intersection to reduce delay and improve the operating levels of service at this intersection.

One Canalside mitigation measure; the inclusion of a second northbound through lane along Washington Street approaching the Washington Street with Scott Street intersection, would not be possible due to the reduction of the Washington Street roadway width in the block between Perry Street and Scott Street. Revised signal timing and restricting left turns from Washington Street northbound onto Scott Street would replace this measure.

Some adjustments to already-adopted mitigation measures were identified for intersections found to have unacceptable operating conditions in the 2015 and 2031 design years. Mitigation measures would be needed to be examined at three (3) intersections to improve operations under both the 2015 and 2031 Build conditions. The three intersections which would require mitigation under the 2015 and 2031 Build conditions include Scott Street with Washington Street, Scott Street with Michigan Avenue and at the Washington Street intersection with the I-190 on-ramp. Intersection mitigation measures were determined necessary to address traffic impacts forecasted to occur during the Weekday PM Peak period. The Saturday Peak period would not require mitigation measures separate from those identified for the Weekday PM Peak period.

Prior to mitigation, the signalized intersection of Scott Street with Washington Street would operate at a LOS D and B during the 2015 Weekday PM Peak period with and without an event, respectively. During the 2031 Weekday PM Peak period the intersection would operate at a LOS F with and without events. Initially, an analysis on the intersection that included strictly timing adjustments was conducted. The analysis resulted in a decrease in the overall delay, but the level-of-service would remain a LOS F. More significant measures were then investigated. Since left turning traffic

at this intersection has the potential to redirect their trip to the Main Street intersection with Scott Street, the elimination of the northbound left-turn movement at the intersections was investigated. The elimination of the northbound left-turn movement would remove the amount of vehicular blockages from waiting left turning vehicles for the northbound traffic. The elimination of the northbound left-turn at the intersection and an adjustment to the timings would improve the operations to LOS D and LOS C in 2031 under the with and without conditions, respectively. Concurrently, the operation of the Scott Street intersection with Main Street/Knox Plaza would not be adversely impacted by the redistributed traffic to this intersection. Since the impacted operations are forecasted for the year 2031 and not under the Build year 2015 conditions, the operations of this intersection should be monitored between these two periods to identify the appropriate time for implementation of this mitigation measure. As identified in the Lead Agency SEQRA Findings Statement, a traffic study would be undertaken in the Project Area following completion of the Phase I year 2015 build out to identify any traffic operations and capacity issues associated with the Project and to determine potential mitigation measures to address the issues. The study would be conducted by the ECHDC in consultation with the City of Buffalo and Canalside stakeholders. The Project Sponsor would consult with ECHDC during this study.

The conversion of the currently two-way stop controlled condition at the Scott Street and Michigan Avenue intersection, to signalized control would improve the intersection's operation for the Weekday PM Peak periods. Prior to mitigation, the intersection is forecasted to operate at a LOS F and LOS D during the 2015 Weekday PM Peak period with and without an event, respectively. After the proposed mitigation, the intersection is forecasted to operate at a LOS A for both with and without an event conditions. Prior to mitigation, the intersection is forecasted to operate at a LOS F during the 2031 Weekday PM Peak period with and without an event scenarios. After the proposed mitigation, the intersection is forecasted to operate LOS B under non-event conditions and at a LOS B with event conditions. The installation of a traffic signal at the intersection of Scott Street with Michigan Avenue was previously identified as a mitigation measure in the Lead Agency SEQRA Findings Statement.

Under the Canalside analysis, the conversion of the second northbound lane along Washington Street into a channeled right turn lane at the Thruway Southbound entrance ramp intersection was investigated and found to improve the operating condition of the Washington Street with Thruway Southbound Ramp intersection. The implementation of any geometric changes to the interstate ramp portion of the intersection would require a coordination effort with the NYSDOT and the NYSTA.

The Project Sponsor will coordinate, on a regularly scheduled basis, a review of post event operations with the City of Buffalo Department of Public Works, Parks and Streets and the City of Buffalo Police Department. The determinations from these coordination meetings will provide guidance to the operations of the street network and the HARBORcenter Project parking garage entrances and exits in pre- and post-event conditions.

During event conditions, the incorporation of two northbound lanes along Washington Street following an event will require temporary channelization and police control at the intersection of Scott Street with Washington Street. The temporary channelization is required to convey two northbound lanes through the intersection. The southbound through lane along Washington Street approaching the intersection would be required to be closed to provide adequate roadway width

for the northbound lanes. Police control will be required to support the operation of the intersection and to ensure appropriate lane control during the two-lane northbound operations.

During event conditions it is anticipated that the Perry Street exit from the HARBORcenter Project parking garage will be closed for a period of up to 15 to 30 minutes following an event to reduce the conflict of vehicles and pedestrians along Perry Street or closed with traffic redirected to an additional "event only" exit on Washington Street.

The Project Sponsor will consult with the NFTA to review and coordinate bus route operations through the study area. NFTA bus routes will be impacted both by the roadway closures during construction and potentially impacted by the reduced roadway cross-section along Washington Street in the final condition. The NFTA will need to adjust or revise their bus routes through the area. The Project Sponsor will collaborate with the NFTA to provide advance notification of any bus route changes to NFTA customers.

Temporary street closures will be required during activities to relocate existing infrastructure (Washington and Scott Streets and Seymour H. Knox III Plaza), construction structure over the Perry Street right-of-way, and for construction a staging area (Washington Street). Short-term non-significant impacts to vehicular traffic have been assessed and are presented in the focused traffic study. In response to these temporary closures, the following additional mitigation measures will be required.

- The Project Sponsor will also schedule meetings with adjacent property owners and tenants in advance of construction activities to identify potential concerns and collaboratively develop solutions to address those concerns.
- Provide advance notification of street closures to building owners and tenants as per City of Buffalo requirements.
- Prepare a street closure schedule for posting on the ESD, ECHDC, Buffalo Sabres, and First Niagara Center websites.
- Prepare and implement pedestrian, bicycle and vehicular detour routes for street closures. Submit detour signage plan to Commissioner of Public Works, Parks and Streets for approval.
- Coordinate with the NFTA regarding locations for temporary bus stops and impacts to light rail operations during catenary pole relocation.
- Monitor traffic signal operations in the project area during the construction period and provide for timing adjustments through the construction stages.
- Undertake a media information dissemination effort and direct communications with event ticket holders to ensure the motoring public is aware of the roadway constraints in the area.

A summary of the LOS and average delays for the analyzed intersections before and after mitigation measures is included in Table 14.

### **Impacts to Traffic and Transportation: Summary and Conclusions**

Based upon the preceding analysis, the proposed HARBORcenter Project would not result in any significant new impacts to traffic or transportation resources that were not already evaluated in the Canalside FGEIS. The proposed Project could involve potential site-specific effects to certain bus

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operations; the Project Sponsor will engage NFTA officials to fully evaluate these conditions and propose measures to adequately accommodate bus movements. The Project would also result in some variations in out-year traffic impacts; these would be adequately addressed through future evaluation and implementation of already-adopted and refined mitigation measures.



## 7. NOISE IMPACTS

### Existing Conditions

The Canalside Project FGEIS noise analysis found that the maximum exterior noise level increase under the Build alternatives would remain below the NYSDEC and NYSDOT 6dBA increase threshold, and would not result in significant adverse noise impact within the project area. However, due to the presence of the Skyway Bridge which bisects the project area, noise levels at the exterior facades of the upper stories of proposed buildings facing the Skyway would be exposed to traffic noise that would be significantly higher than predicted at ground level. Accordingly, the Lead Agency SEQRA Findings Statement establishes noise mitigation measures for internal noise levels for all building facades facing the Skyway at the 4<sup>th</sup> floor or higher.

### Anticipated Impacts

The hotel component of the HARBORcenter Project would at a minimum adhere to the noise mitigation measures described in the Lead Agency Findings Statement. It is likely the Project will exceed required mitigation measures as flag hotel standards tend to be more stringent as described in Table 15.

Table 15: Typical Flag Hotel Acoustic Standards

**Acoustic Control:** Select building envelope materials, building systems (including roof, doors, windows, louvers, etc.) and mechanical equipment based on the criteria below.

1. **Environmental Noise Sources:** If the project site is near a source of noise (airport, highway, trains, high traffic areas, industrial activity, mechanical equipment, etc.) that could be disruptive to guests, employ an acoustic consultant to conduct an acoustics survey and define acoustic criteria and controls. Consider project location, day/evening operations and adjacency to noise sources.
2. **Guestroom Areas:** Limit highway noise intrusion levels to Hourly Equivalent Levels (LEQ) of 45 dBA for day; 40 dBA at night.
  - a. **Short Term Noise:** 50 dBA for short-term (day night) noise such as sirens and low level helicopter flights.
  - b. **Day-Night Level (LDN)** of 45 dBA for aircraft noise level intrusion.
3. **Meeting Spaces:** Limit noise intrusion levels to 40 dBA minimum.

Source: Mortenson Construction, 2012

**Noise Impacts: Summary and Conclusions**

The proposed HARBORcenter Project would not result in any significant new noise impacts that were not already evaluated in the Canalside FGEIS. The Project Sponsor will either meet or exceed already-adopted standards for noise mitigation in the Project final design.

## 8. IMPACTS FROM HANDLING OF HAZARDOUS MATERIALS

### Existing Conditions

The Lead Agency SEQRA Findings Statement requires that a soils management plan be prepared for each development parcel prior to soil disturbance activities to control environmental risks that may be encountered during development. The plan may include:

- A report to identify environmental conditions on site;
- A review of NYSDEC or city environmental documentation on the site;
- Collection of soil and groundwater samples; and
- Monitoring wells to assess site hydrology.

The Project Sponsor reviewed the following previous Webster Block site investigations to inform site development activities.

- *Buffalo Drilling Exploration Report*; February 1988
- *Webster Block Subsurface Exploration Report*, Barron & Associates, P.C.; September 22, 1988
- *Phase I Environmental Site Assessment - Webster Block*, Panamerican Environmental, Inc.; March 2000
- *Phase II ESA*, Malcolm Pirnie, Inc.; June 2000
- *Summary of Test Pit Investigation Findings, Webster Block Property, Buffalo New York*, Benchmark Environmental; July 2001
- *Underground Storage Tank Removal Report*, Benchmark Environmental; July 2001
- *Proposed Development Geotechnical - Webster Block*, Barron & Associates P.C.; November 2001
- *Phase II Environmental Site Investigation - Webster Block Property*, LiRo Engineers; November 2010

Previous Webster Block reports indicated that soil contamination related to urban fill exists on site. Groundwater was not found to be environmentally impacted.

### Anticipated Impacts

The HARBORcenter Project Sponsor would seek acceptance into the New York State Brownfield Cleanup Program (BCP). The program will require the Project Sponsor to meet certain remediation standards in order to achieve tax credits. An initial meeting was held with the New York State Department of Environmental Conservation on October 4, 2012 to discuss site eligibility and application process.

Participation in the BCP will require the Project Sponsor to complete the following tasks:

- **BCP Site Application.** This includes a summary of historical sources of contamination, present site contamination, and a proposed cleanup level for the site.
- **Remedial Investigation/Interim Remedial Measures Plan ("RI/IRM").** This formal plan, requiring NYSDEC approval, will: (1) outline additional on-site sampling to delineate and

identify on-site contamination issues; (2) develop an action plan to physically remove on-site contamination; (3) identify required standard procedures for protection of public health and air quality during the contamination removal; and (4) develop a specified plan for confirmatory sampling to be conducted following contamination removal.

- **Final Engineering Report.** A final report will be prepared documenting all remedial work completed on site, providing certifications for disposed soils, and certifying that objectives and goals of the RI/IRM have been met and no further work will be required.
- **Certificate of Completion ("COC").** Certification will be provided by the NYSDEC to the project sponsor that the remedial goals and objectives have been met.

**Impacts to Hazardous Materials: Summary and Conclusions**

The proposed HARBORcenter Project would not result in any significant new impacts to the handling of hazardous materials that were not already evaluated in the Canalside FGEIS. Based on the Project Sponsor's desire to participate in the BCP program, already-adopted mitigation measures for hazardous waste/contaminated materials will be fully followed.

## 9. SOCIAL ECONOMIC IMPACTS

### Direct and Indirect Employment and Fiscal Impacts

#### Existing/Prior Analyses

The Canalside Project FGEIS GPP assessed direct and indirect fiscal employment and fiscal impacts as well as accrual of tax revenues due to changes in land use at the project area. Direct impacts are consequences of economic activities carried out by users of the project, including employment of labor and purchase of locally produced goods and services. Indirect impacts occur as a result of direct spending and employment which induces cycles of spending throughout the local economy. These impacts would result from spending off-site by day visitors to Canalside, and from new spending for food and lodging on or off site by overnight visitors.

The current proposed Canalside Land Use Improvement Project is a modified version of the plan affirmed on December 18, 2009. The original plan included the development of a major Bass Pro store which is no longer a part of the Canalside Project. A new feature of the current proposed plan is the development of an ice rink facility with two rinks plus a hotel, parking garage, and retail and restaurant uses at the Webster Block. The ice rink facility is a new Webster Block program element, while the hotel and parking plan are expanded in size.

#### Anticipated Impacts

The following is a summary of the results of the one-time construction economic and fiscal impact of the proposed Canalside Land Use Improvement Project modification and the permanent impacts of the operations of its various components. The construction impact analysis is based on a revised version of the "Proposed Parcel Funding" budget information and construction schedule. Data used in the estimation of the permanent operations impact is based on the revised "Proposed Program" (i.e., without Bass Pro) which identifies the allocation of the development area by parcel and use. The analysis uses the Regional Economic Model, Inc. (Remi model). The model is a 12-region structural, dynamic economic forecasting model used to forecast the economic and fiscal impacts of a project on the regional and statewide economies.

Based on modifications to the proposed Canalside Land Use Improvement Project development program, estimated total construction investment, (public and private), is approximately \$376,350,000. Table 16 summarizes the project's one-time economic and fiscal impact on the Western New York region and statewide economies as compared to the original Canalside Land Use Improvement Project GPP.

Total employment (direct, indirect, and induced) resulting from construction-related activity is estimated to be 3,896 in the Western New York region of which 2,325 are direct jobs. For New York State (inclusive of Western New York), the Project will generate a total of 4,034 jobs (direct, indirect, and induced), of which 2,407 are direct jobs.

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Total personal income earned by direct, indirect, and induced construction-related wage earners is estimated to be \$197.182 million in the region and \$208.029 million in New York State (inclusive of Western New York).

**Table 16: Canalside: One-Time Construction Economic and Fiscal Impact Comparison**

	Proposed Canalside Land Use Improvement Project MGPP **		Original Canalside Land Use Improvement Project GPP ***	
	WNY	NYS	WNY	NYS
<b>Employment</b>				
<b>Direct</b>	2,325	2,407	2,157	2,273
<b>Indirect &amp; Induced</b>	1,571	1,627	1,466	1,545
<b>Total</b>	3,896	4,034	3,623	3,818
<b>Personal Income (mil\$)</b>	\$197.182	\$208.029	\$164,145	\$179,078
<b>Tax Revenues* (mil\$)</b>	\$19.874	\$20.967	\$12.377	\$15.000

\*Tax revenues reported for the Western New York region are primarily City of Buffalo and Erie County taxes.

\*\*Dollar values are in 2012\$, net present value over seven years, using a 6% discount rate.

\*\*\*Dollar values are in 2009\$, net present value over ten years, using a 6% discount rate.

NYS employment is inclusive of regional employment.

Tax revenue collected by localities, primarily City of Buffalo and Erie County as a result of construction-related activity and employment is estimated to be \$19.874 million and \$20.967 million for New York State. Tax revenues include sales tax on construction materials used in the private development portions of the Project. Commercial Slip Parking Garage construction related to these improvements will be undertaken by New York State and not subject to tax. In addition, tax revenues include estimated personal income tax, corporate income tax, the mortgage recording tax on the private development of the project, and miscellaneous other taxes.

Table 17 summarizes the proposed Canalside Land Use Improvement Project's permanent economic and fiscal impacts from the operation of its various components including retail, restaurants, hotels, museum, commercial offices, residential, and parking. In addition, the property taxes collected by local governments are included in the estimate of permanent impact. Total employment (direct, indirect, and induced) resulting from the Project's permanent activities is estimated to be 1,814 in Western New York and 1,883 jobs statewide, including the region.

Total personal income earned by direct, indirect, and induced full and part-time wage earners is estimated to be over \$2.2 billion in the region and \$2.4 billion statewide, including Western New York, over the 30-year period of analysis.

Estimated tax revenue resulting from the Canalside Project's permanent activity and employment that will go to local governments is estimated to be \$233.992 million. Included in this total is an estimated \$92.427 million in property tax collections by City of Buffalo and Erie County, of which an estimated \$46.2 million in property tax will be generated by the Webster Block development alone. Total local tax collections from Canalside Project operations exclude sales tax on tickets and

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concessions sold by HARBORcenter Development LLC. New York State estimated total tax revenues generated by permanent activities are \$144.541 million over a 30-year period of analysis.

Table 17: Canalside: Permanent Economic and Fiscal Impact Comparison

	Proposed Canalside Land Use Improvement Project MGPP **		Original Canalside Land Use Improvement Project GPP ***	
	WNY	NYS	WNY	NYS
<b>Employment</b>				
<b>Direct</b>	1,302	1,302	1,670	1,670
<b>Indirect &amp; Induced</b>	512	581	890	961
<b>Total</b>	1,814	1,883	2,560	2,631
<b>Personal Income (mil 2009\$)</b>	\$2,233.092	\$2,372.596	\$2,547.64	\$2,701.39
<b>Tax Revenues* (mil 2012\$)</b>	\$233.992	\$144.541	\$155.711	\$184.585

\*Tax revenues reported for the Western New York region are primarily City of Buffalo and Erie County taxes.

\*\* Dollar values are in 2012\$, net present value over 30 years, using a 6% discount rate.

\*\*\* Dollar values are in 2009\$, net present value over 30 years, using a 6% discount rate.

NYS employment is inclusive of regional employment.

**Direct and Indirect Employment and Fiscal Impacts: Summary and Conclusions**

Based upon the preceding analysis, the proposed HARBORcenter Project would not result in any significant new impacts to social and economic resources that were not already evaluated in the Canalside FGEIS. While slightly differing from the analysis set forth in the Canalside FGEIS—as a result of elimination of Bass Pro as a project component and variations in proposed HARBORcenter uses—the proposed Project would nevertheless advance the purpose and intents of the MGPP objectives and not result in any negative social or economic impacts.

## **10. CONSTRUCTION-RELATED IMPACTS**

The Lead Agency SEQRA Findings Statement requires the use of specific mitigation measures and industry best practices to minimize impacts related to the construction of Project elements. As described below, the HARBORcenter Project Sponsor will comply with Lead Agency Findings Statement requirements with additional mitigation measures as specified.

### **Hazardous Waste/Contaminated Materials /Soils**

The Project Sponsor intends to enter the New York State Brownfield Cleanup Program to remediate potential soil contamination (see Page 65). In addition, the HARBORcenter Project construction team will implement best practices for the storage and use of hazardous materials on site. An Emergency Response Plan (ERP) will be prepared in the event of an accidental release or spill of hazardous materials stored or used on site. The Project Sponsor's construction manager will routinely update the ERP to account for changing site conditions.

### **Site Runoff/Soil Erosion and Sedimentation Control**

A Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the HARBORcenter Project in accordance with current NYSDEC guidelines. Frequently scheduled inspections will be conducted to ensure continual compliance and maximize effectiveness of prescribed measures.

Prior to commencing construction activity, the HARBORcenter Project sponsor will request and obtain NYSDEC coverage under the SPDES General Permit for Storm water Discharges from Construction Activity. Permit No. GP-0-10-001 will be obtained prior to the start of construction.

All contractors will develop and adhere to Site Safety and Health Plan in accordance with Environmental Protection Agency, Occupational Safety and Health Administration, National Institute of Occupational Safety and Health, and American Council of Government Industrial Hygienists standards. Each contractor will submit its plan to the Project Sponsor's construction representative.

### **Air Quality**

All contractors will be required to implement industry best practices appropriate to site conditions and construction activities during Project construction, including those measures identified in the Lead Agency SEQRA Findings Statement. More specifically, the HARBORcenter construction team will:

- Develop a site specific plan for the control of construction-related fugitive dust, and submit the plan to ECHDC for review and approval prior to the start of construction activities.
- Submit to ECHDC a monthly report of complaints received relative to air-quality and actions taken investigate and resolve complaints.

### **Noise**

The Lead Agency Findings Statement requires compliance with Chapter 293-4(1) of the City of Buffalo Noise Code. The code requires that construction activities be limited to weekdays, between the hours of 7 am and 9 pm, except under very special circumstances.

Given the aggressive HARBORcenter Project construction schedule, weekend construction would likely be required at some point during Project construction, and six to seven day per week construction schedules were not considered in the FGEIS. Some construction activities (e.g., pile driving, jack hammering, excavation, and loading/unloading of deliveries) would be more likely than others to create minor short-term noise impacts. These construction activities likely to generate short-term noise impacts would occur during early phases of construction.

In the event weekend construction becomes necessary, the following additional mitigation measures will apply.

- Submit a 30-day construction activity look-ahead schedule to ECHDC identifying when weekend work would be required and for what type(s) of activities. ECHDC will review requests considering planned events at the Erie Canal Harbor.
- Weekend construction activities will be limited from 9 am to 5 pm or as otherwise permitted by the City of Buffalo.
- Request a permit from the Commissioner of Public Works, Parks and Streets for weekend construction activities as per the provisions of the City of Buffalo Noise Code. The Commissioner will consult with ECHDC before granting a permit.

### **Utilities**

The Project Sponsor intends to adhere to the mitigation measures pertaining to utilities contained in the Lead Agency Findings Statement. In the event of planned disruptions, the HARBORcenter construction team will provide advance notification to affected building owners and tenants of the date and duration of planned service disruptions. When necessary, alternative means of service will be provided. In addition, meetings will be held with adjacent property owners/tenants (e.g., HSBC, Buffalo News) to provide an overview of the schedule for and types of utility relocation work to be undertaken as part of the Project.

### **Worker Safety**

The HARBORcenter Project will minimize risk to construction personnel by complying with applicable Occupational, Safety and Health Administration, NYSDOT, New York State Department of Labor, and City of Buffalo requirements.

The HARBORcenter Project construction site will be secured through the use of fencing and authorized access only to protect the public from work site hazards.

### **Hotline/Complaints**

The HARBORcenter construction team will establish a toll-free hotline able for area residents, workers and visitors to report safety concerns or to voice complaints of a non-emergency nature. In addition to the hotline, a website will be created or an existing one modified to receive e-mail or web application reports of similar nature. A report of calls and their nature will be provided on a monthly basis to the ECHDC.

### **Temporary Street Closures**

Temporary street closures would be required during activities to relocate existing infrastructure (Washington and Scott Streets and Seymour H. Knox III Plaza), construction structure over the Perry Street right-of-way, and for construction a staging area (Washington Street). Short-term impacts to vehicular traffic have been assessed and are presented in the focused traffic study. In response to these temporary closures, the following additional mitigation measures will be implemented.

- Provide advance notification of street closures to building owners and tenants as per City of Buffalo requirements.
- Prepare a street closure schedule for posting on the ECHDC and City of Buffalo websites.
- Prepare and implement pedestrian, bicycle, and vehicular detour routes for street closures. Submit detour signage plan to Commissioner of Public Works, Parks and Streets for approval.
- Coordinate with the NFTA regarding locations for temporary bus stops and temporary/permanent relocation of catenary poles from the Project site during construction.

### **Construction Impacts: Summary and Conclusions**

The proposed HARBORcenter Project would not result in any significant new construction impacts that were not already evaluated in the Canalside FGEIS. The Project Sponsor will fully follow already-adopted standards for mitigation and/or introduce refined measures to address all possible effects during the construction period.

**ACRONYMS**

<b>ACGIH</b>	<b>American Council of Government Industrial Hygienists</b>
<b>BCP</b>	<b>New York State Brownfield Cleanup Program</b>
<b>BD&amp;CCS</b>	<b>Building Design and Construction for Core and Shell</b>
<b>BSA</b>	<b>Buffalo Sewer Authority</b>
<b>CAA</b>	<b>Clean Air Act</b>
<b>CO</b>	<b>carbon monoxide</b>
<b>COC</b>	<b>Certificate of Completion</b>
<b>CSO</b>	<b>Combined Sewer Overflow</b>
<b>dba</b>	<b>decibels</b>
<b>EAF</b>	<b>Environmental Assessment Form</b>
<b>ECHDC</b>	<b>Erie Canal Harbor Development Corporation</b>
<b>EPM</b>	<b>Environmental Procedures Manual</b>
<b>ESD</b>	<b>Empire State Development</b>
<b>FGEIS</b>	<b>Final Generic Environmental Impact Statement</b>
<b>FTA</b>	<b>Federal Transit Administration</b>
<b>GBNRTC</b>	<b>Greater Buffalo Niagara Regional Transportation Council</b>
<b>GPP</b>	<b>General Project Plan</b>
<b>HC</b>	<b>hydrocarbons</b>
<b>LDN</b>	<b>Day-Night Level</b>
<b>LEED</b>	<b>Leadership in Energy and Environmental Design</b>
<b>LEQ</b>	<b>Hourly Equivalent Levels</b>
<b>LOR</b>	<b>Letter of Resolution</b>
<b>LOS</b>	<b>Level of Service</b>
<b>L RTP</b>	<b>Long Range Transportation Plan</b>
<b>MGPP</b>	<b>Modified General Project Plan</b>
<b>NAAQS</b>	<b>National ambient air quality standards</b>
<b>NFTA</b>	<b>Niagara Frontier Transportation Authority</b>
<b>NIOSH</b>	<b>National Institute of Occupational Safety and Health</b>
<b>NO<sub>2</sub></b>	<b>nitric oxide</b>
<b>NO<sub>x</sub></b>	<b>Nitrogen oxides</b>
<b>NRHP</b>	<b>National Register of Historic Places</b>
<b>NTSTA</b>	<b>New York State Thruway Authority</b>
<b>NYS</b>	<b>New York State</b>
<b>NYSDEC</b>	<b>New York State Department of Environmental Conservation</b>
<b>OSHA</b>	<b>Occupational Safety and Health Administration</b>
<b>Pb</b>	<b>lead</b>
<b>PM<sub>x</sub></b>	<b>particulate matter</b>

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<b>ppm</b>	<b>Parts Per Million</b>
<b>RI/IRM</b>	<b>Remedial Investigation/Interim Remedial Measures Plan</b>
<b>SEQRA</b>	<b>State Environmental Quality Review Act</b>
<b>SIP</b>	<b>State Implementation Plan</b>
<b>SO<sub>x</sub></b>	<b>sulfur oxides</b>
<b>SPDES</b>	<b>State Pollutant Discharge Elimination System</b>
<b>SRHP</b>	<b>State Register of Historic Places</b>
<b>SWPPP</b>	<b>Storm Water Pollution Prevention Plan</b>
<b>TIP</b>	<b>Transportation Improvement Program</b>
<b>USEPA</b>	<b>United States Environmental Protection Agency</b>
<b>V/C</b>	<b>volume-to-capacity</b>
<b>WNY</b>	<b>Western New York</b>



## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

### General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

### Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- b. Maybe answers should be considered as Yes answers.
- c. If answering Yes to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact.If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO  YES

#### Examples that would apply to column 2

- |  |                                     |                          |                              |                             |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.                         | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

- Construction or expansion of a sanitary landfill.    Yes  No
- Construction in a designated floodway.    Yes  No
- Other Impacts:    Yes  No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO  YES

- Specific land forms:    Yes  No

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO  YES

Examples that would apply to column 2

- Developable area of site contains a protected water body.    Yes  No
- Dredging more than 100 cubic yards of material from channel of a protected stream.    Yes  No
- Extension of utility distribution facilities through a protected water body.    Yes  No
- Construction in a designated freshwater or tidal wetland.    Yes  No
- Other Impacts:    Yes  No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO  YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.    Yes  No
- Construction of a body of water that exceeds 10 acres of surface area.    Yes  No
- Other Impacts:    Yes  No



1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO  YES

Examples that would apply to column 2

- |  |                                     |                          |                              |                             |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows                   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion.                   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Project will comply with required Canalside mitigation and provide a separate storm water sewer flowing to the Hamburg drain or other area BSA storm sewer.

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?

NO  YES

Examples that would apply to column 2

- |   |                                     |                          |                              |                             |
|---|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Although the level of development anticipated under the proposed action would generate traffic that would result in slight changes in air emissions and concentrations from the Canalside FGEIS, no location would exceed federal standards for air quality.

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?

NO  YES

Examples that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO  YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?

NO  YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO  YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Consistent with the Canalside FGEIS, the proposed action would be designed in general conformance with Canalside Design Guidelines and would be subject to review by the Canalside Design Review Committee & City Planning Board. Views along Perry Street looking west would be modified as a result of structure over Perry St. ROW and Washington St. due to construction in the ROW.

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO  YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

• Other impacts:

A Letter of Resolution has been executed between ESDC, ECHDC and NYS Parks, Recreation & Historic Preservation for treatment of archeological resources within the Canalside Project Area and Project will comply.

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO     YES

Examples that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO     YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action to locate within the CEA?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

NO  YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.  Yes  No
- Proposed Action will result in major traffic problems.  Yes  No
- Other impacts:  Yes  No

Washington St. cartway would be narrowed and on-street parking removed between Scott and Perry Streets. Washington St. between Scott and Perry Streets would be closed for the duration of the project. Perry, Scott & Seymour H. Knox III Plaza will have intermittent road closures during construction and would result in short-term traffic disruptions. A detailed traffic analysis reveals that the level of development anticipated under the proposed action would generate some variations in traffic. These Canalside variations would be adequately addressed through implementation of already-adopted and/or refined mitigation measures including traffic monitoring requirements established in the Lead Agency Findings Statement.

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO  YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.  Yes  No
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.  Yes  No
- Other impacts:  Yes  No

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO  YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.  Yes  No
- Odors will occur routinely (more than one hour per day).  Yes  No
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.  Yes  No
- Proposed Action will remove natural barriers that would act as a noise screen.  Yes  No
- Other impacts:  Yes  No

The hotel component of the Project would at a minimum adhere to the noise mitigation measures described in the Lead Agency Findings Statement.

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

### IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO  YES

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other Impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Based on the desire of the proposed action project sponsor to participate in the New York State Brownfield Cleanup Program, already-adopted mitigation measures for hazardous waste/contaminated materials would be fully followed.

### IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

NO  YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed Action will conflict with officially adopted plans or goals.
- Proposed Action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

The proposed action will result in the creation of both construction and permanent jobs and is consistent with the Scope of Impacts to Community Character evaluated in the Canalside FGEIS.

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?  
 NO     YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**