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**ERIE COUNTY LEGISLATURE**

**BARBARA MILLER-WILLIAMS**  
*Legislator - 1st District*

**MEMBER:**

Government Affairs Committee  
Finance & Management Committee  
Health & Human Services Committee



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March 17, 2015

Erie County Legislature  
Attn: Ms. Karen M. McCarthy, Clerk  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Dear Ms. McCarthy:

Attached for Clock-In to the public record of the Erie County Legislature, please find a Letter from Mr. Robert Gioia, Chairman of the Erie Canal Harbor Development Corporation in regards to Redevelopment of Buffalo's Outer Harbor.

Thank You for your assistance in this matter.

Sincerely,

A handwritten signature in black ink that reads "Barbara Miller-Williams".

Barbara Miller-Williams  
Erie County Legislator  
District 1

**"We are here to serve the Community"**



**Erie Canal Harbor  
Development  
Corporation**

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March 11, 2015

Dear Fellow Citizen:

Buffalo's Outer Harbor is poised to finally become our city and region's front door to Lake Erie. For too many years, few area residents or visitors ever considered visiting the area, which was effectively cut off from the larger community. Well, times have changed. With the concerted effort of Governor Cuomo, our state legislative delegation, Congressman Brian Higgins, Mayor Brown, County Executive Poloncarz, community leaders and the public itself, we are on the cusp of reclaiming one of most significant areas of waterfront property in Western New York. The momentum that has led us to this moment began years ago with the reclamation of Gallagher Beach thanks to Congressman Higgins' determination and the state's strong partnership. More recently, it has led to the rebuilding of Fuhrmann Boulevard and Ohio Street and, ultimately, to the Governor's drive to establish the first state park within Buffalo, the Buffalo Harbor State Park. Already, we have witnessed an amazing transformation of this remarkable waterfront destination.

Soon, the Erie Canal Harbor Development Corporation (ECHDC) will present an updated long-term recommendation for the restoration and redevelopment of nearly 200 acres of remaining Outer Harbor lands, including property once owned by the NFTA. Along with that recommendation, more detailed information that documents and clarifies certain aspects of the revised plan will also be published. The vast majority of that property will remain as open space and, coupled with the adjacent 200 acres of land at the Buffalo Harbor State Park, will present a new and exciting waterfront recreation area that few of us ever dreamed would occur.

Unfortunately, recently, allegations were made that plans were in place "for expediting the construction of housing next to a partially remediated Superfund site...." This is completely false. Plans are in place to recommend various forms of limited development on the Outer Harbor, but "expediting the construction of housing" is flat out wrong and misleading.

No one has ever denied that there are pre-existing environmental issues on the Outer Harbor. In fact, it is well known. An existing conditions report clearly states that the Outer Harbor is a Brownfield area and a remnant of waste disposal activities. This area, the subject of two Records of Decision issued by NYS DEC in 1999 and 2002, is reusable under certain conditions for recreational, commercial and even residential uses. The key issue is that the design of any future development must be done in such a way to prevent any exposure to contaminants, which has been accomplished at numerous brownfield sites around the country through paving or capping with clean fill. In fact, portions of the site are already fully capped and the nature of future similar actions would depend on the type of future development. Further, the ECHDC previously achieved this type of remediation on the Outer Harbor at Wilkeson Pointe, which has transformed this area into a very popular waterfront destination. Moreover, as both an economic development strategy and as a nod to public preferences, public open space investments will in large part precede most development. So, any contention now that no

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development can occur due to the pre-existing environmental conditions on the Outer Harbor is wrong.

The structures known as Terminals A and B (which the Niagara Frontier Transportation Authority, or NFTA, will convey to ECHDC) at the south end of the Outer Harbor are not a superfund site. A small area immediately north of the paved areas around the terminals, known as the Radio Tower site, was at one time a State Superfund site. However, it was cleaned up by the responsible party, Honeywell, in 2004-05 and delisted. It is annually monitored for compliance with selected remediation measures approved by the state's Department of Environmental Conservation (DEC).

But even with that outcome, we will conduct a thorough environmental review in full compliance with the State Environmental Quality Review Act (SEQRA) on a preferred development plan that will evolve from the current public process. Importantly, prior to undertaking SEQRA documentation, an agency must first fully define the action it is proposing to undertake. To suggest that the existing conditions on the Outer Harbor "would prohibit residential development" demonstrates either a complete lack of understanding of how brownfield remediation occurs (and has occurred for years in our region) or pre-existing bias against any form of development that would finally provide public access to the Outer Harbor. As is, the property would not be suitable for residential development in certain areas. Nobody would put residences there as is. We would need an environmental engineer to design the appropriate remedy; in this case, likely a capping and soils management strategy.

As the DEC itself recently stated, "Land use at the Radio Tower site currently is restricted to commercial use. If the use were to be upgraded to residential, additional investigation/cleanup/controls could be required. If the site remains restricted to commercial uses, passive recreational uses with limited potential for soil contact would be allowed. DEC and [the state Department of Health] would not support land uses that present environmental or health concerns." We agree. In fact, last week, I stated that "the ultimate development will be subject to the required SEQRA/environmental review process and will be designed appropriately to ensure public safety", but that portion of my statement was not shared by the individual who reported publicly on this topic.

As I stated earlier, there's great momentum taking place along our waterfront and the public's growing access to the shores of Lake Erie, the banks of the Buffalo River and other local waterways is unprecedented. We want to keep that momentum going and do even greater things to improve access further and finally establish our waterfront as one of the greatest of its kind anywhere. We can do it. We have made great progress and we look forward to even greater success.

With warmest regards,

Robert Gioia  
Chairman  
Erie Canal Harbor Development Corporation