

**Final Generic Environmental
Impact Statement for the
Development of the
Union Ship Canal District**

January 2002

Lead Agency:

CITY OF BUFFALO COMMON COUNCIL
Room 1301 City Hall
Buffalo, New York 14202

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List of Abbreviations and Acronyms

AADT	average annual daily traffic
BUD	beneficial use determination
CEC	Citizen's Environmental Coalition
CERO	Code of Environmental Review Ordinance
CO	carbon monoxide
CZM	coastal zone management
dB	decibel
dBA	A-weighted decibel
DDI	Development Downtown, Inc.
DGEIS	Draft Environmental Impact Statement
EAF	Environmental Assessment Form
ECL	Environmental Conservation Law
ECSA	Erie County Sewer Authority
ECSD	Erie County Sewer District
ECWA	Erie County Water Authority
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FGEIS	Final Generic Environmental Impact Statement
GBNRTC	Greater Buffalo Niagara Regional Transportation Commission

List of Abbreviations and Acronyms (cont.)

GEIS	Generic Environmental Impact Statement
gpd	gallons per day
HAER	Historic American Engineering Record
I	interstate highway
LOS	level of service
mgd	million gallons per day
mph	miles per hour
NFG	National Fuel Gas Supply Company
NFTA	Niagara Frontier Transportation Authority
NO ₂	nitrogen dioxide
NOI	Notice of Intent
NYCRR	New York Code of Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
O ₃	ozone
PAH	polycyclic aromatic hydrocarbon
PD	police department
PM ₁₀	particulate matter of 10 microns or less (respirable particulates)
SEQR	State Environmental Quality Review
SHPO	State Historic and Preservation Office
SSAL	site-specific action level
SO ₂	sulfur dioxide
SPL	sound pressure level

List of Abbreviations and Acronyms (cont.)

STIP	Statewide Transportation Improvement Program
SUNY	State University of New York
TSP	total suspended particulates
USFWS	United States Fish and Wildlife Service
VCA	Voluntary Cleanup Agreement
VCP	Voluntary Cleanup Program

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A

Introduction

The purpose of this Final Generic Environmental Impact Statement (FGEIS) is to provide a medium in which responses to comments received during the SEQR public review and public hearing process can be read.

In addition, this FGEIS addresses all public and agency comments on the Draft GEIS and incorporates the responses into the SEQR record. All sections that have been updated or modified are included in this FGEIS with new text identified. This FGEIS will allow the Lead Agency to proceed with its decision-making regarding the development of the Union Ship Canal area.

An additional purpose of this FGEIS is to present to the public, for its review and comment, the "Remedial Work Plan, Hanna Furnace Site, Former Railroad Area (Subparcel 1)", July 2000, Revised October 2001 (see Appendix 1). A review period of 30 days has been set for review of the FGEIS.

This FGEIS consists of the following parts:

- A. Introduction (this section), provides an explanation of the FGEIS format.
- B. Public Review and SEQR Hearing Comments and Responses, which contains a total of 36 comments from the public and reviewing agencies received during the public review and hearing process.
- C. GEIS Text Revised to Address Comments, which contains all original numbered sections of the Draft GEIS where comments received required revisions to the original text. This section retains the original chapter numbering of the Draft GEIS and includes the following new appendices:
 - Agency Correspondence and Letters from the Public,



- Remedial Action Work Plan, and
- NYSDEC TAGM 4046.

Throughout Section C, comments on the FGEIS are highlighted in text boxes in the left-hand column.

Throughout Section C, comments on the FGEIS are highlighted in text boxes in the left-hand column. The comments are presented in their entirety, where possible, or condensed if the original meaning is not altered.

Responses to the comments are provided in the corresponding sections of Section C of the DGEIS as underlined text (adjacent to the comment text box). For some of the comments, where the original text of the DGEIS addressed the issue of the comment, the text is not underlined because it is not new or revised.

B

Public Review and SEQR Hearing Comments and Responses

This section addresses public comments received during the public review period and SEQR hearing. A summary of the public scoping meeting and public comments is provided in Appendix 2. Sections of the DGEIS that were commented on are identified as underlined text throughout Section C of this FGEIS.

B.1 SEQR vs. CERO (Section 1.2)

Comment 1: How does City CERO (Code of Environmental Review Ordinance) correspond or relate to SEQR in the context of the proposed action, and, which regulation will the proposed action follow? {Steve Doleski, NYSDEC}

Response 1: SEQR implements City CERO (Charter and Code of the City of Buffalo, Part II General Legislation, Chapter 168). For this proposed action, the SEQR environmental review process was followed.

The primary purposes of CERO are to define, coordinate, and prepare an appropriate environmental impact analysis for projects that are being undertaken, funded, or approved by the City of Buffalo, and also identifies additional actions deemed by the Common Council likely to have a potential adverse effect on the environment, thus imposing the presumption that an Environmental Impact Statement will be required. It clarifies lead agency status where more than one city agency is involved. CERO does not modify or add SEQR requirements, in this instance, where the project has been considered a Type I action. CERO does, however, expand upon the Type I actions within the City of Buffalo.

B. Public Review and SEQR Hearing Comments and Responses

B.2 Project Location and Environmental Setting (Section 1.3)

Comment 2: Provide additional details pertaining to the remnants of the Hanna Furnace complex. Specify that operating equipment was dismantled. {Steve Doleski, NYSDEC }

Response 2: The City of Buffalo acquired the 114 acres of land (Hanna Furnace area) after the previous owners declared bankruptcy and abandoned the property. Previous owners had removed all operating equipment and rolling stock. The furnaces were partially demolished by means of high explosives by the previous owner. The City of Buffalo recently condemned the remaining structures as safety hazards pursuant to notification with SHPO regarding their demolition. Consequently, the remaining structures have been demolished.

B.3 Proposed Action; Purpose and Need (Sections 1.4, 1.5)

Comment 3: Items identified as the proposed action are declared portions of the proposed action, but the proposed action will also serve to set cleanup standards for contaminated land within the project area. This aspect of the proposed action is not clearly disclosed in the DGEIS and is, to some extent, misrepresented in the DGEIS and it is a serious violation of SEQR. {Mike Schade, Citizen's Environmental Coalition (CEC)}

Response 3: The purpose of the proposed action is to return this abandoned former industrial property back into productive use by providing larger lots suitable for and zoned for industrial and commercial uses. The purpose of the DGEIS is not to "set cleanup standards for contaminated lands." The purpose of the DGEIS is to assess impacts associated with the redevelopment of the Union Ship Canal area. The proposed actions of the DGEIS are the following:

- The acquisition and disposition of land for development;
- Infrastructure development; and
- Rezoning.

The proposed development can occur with or without the Voluntary Cleanup Program (VCP). It is not necessary for the VCP to be

B. Public Review and SEQR Hearing Comments and Responses

approved and implemented for the development of the Union Ship Canal. The property is being rezoned to prevent future noxious uses and uses incompatible with city and state coastal zone management plans and policy goals for waterfront sites.

Cleanup levels for this property are approved by NYSDEC and the New York State Department of Health (NYSDOH), and those agencies that are obligated to ensure that the cleanup levels will be protective of human health and the environment for the proposed uses. Cleanup levels have been determined as part of the Voluntary Cleanup Agreement (VCA) process, separate and distinct from the SEQR process.

The draft Remedial Action Work Plan is included in the FGEIS as Appendix 1. This plan addresses the remedial measures for Parcel 1, including the site-specific action levels (SSALs) that have been approved by NYSDEC and NYSDOH specifically for this site. This element of the project is performed under NYSDEC's VCA.

Comment 4: Commentator is taking issue with the stated purpose and need (for economic development) stating that "Buffalo's economic development problems do not arise from a lack of space for office and light industrial use. Downtown Buffalo has many vacant lots and abandoned or underutilized structures and areas." The commentator continues by suggesting other alternatives for this area. {Eugene Hebert, resident of East Aurora}

Response 4: While other areas within the City of Buffalo do have vacant and abandoned industrial sites (including downtown Buffalo, along Seneca Street, the East Side), these areas do not provide the amount of contiguous property required to meet the needs of large scale commercial or industrial users of today and the future. Users envisioned for the Union Ship Canal area will require 5 to 10 acre lots for one- to two-story buildings with good truck access. Many of the scattered vacant industrial sites and structures elsewhere in the City are functionally obsolete for today's industries, too small (less than 1 acre), do not have sufficient and convenient highway access, and are located in residential areas. The advantage of the Union Ship Canal area is that it is relatively removed from residential areas, has good highway access, and allows for larger parcels to be available for development.

The proposed development of Union Ship Canal area also serves to control sprawl by making use of urban sites serviced by infrastructure and accessible to transit-dependent populations. Providing such opportunities in areas of the city accessible by public

B. Public Review and SEQR Hearing Comments and Responses

transportation, with infrastructure, and compatible with the surrounding land uses, is an alternative to the continued development of greenfield sites in the region.

The City, in its present state, is not competitive with other cities and suburban areas of similar size for job-creating investment because it does not have an ample supply of ready-to-go industrial lands. The City of Buffalo's Draft Comprehensive Plan specifies the Union Ship Canal area for reuse as an area of light industrial, manufacturing, preservation of the adjacent wetland areas, and utilization of the waterfront. The proposed action promotes this plan, regardless of site conditions. There is no identified need for new parkland or open space in this area, although an area measuring 200 feet immediately around the canal itself will be set aside as open space with no development planned or allowed.

B.4 Alternatives (Section 1.6)

Comment 5: Alternatives other than the preferred alternative have not been given sufficient consideration (residential zoning; no action) and the preferred alternative establishes de facto cleanup standards without providing public notice and allowing for comment. {Eugene Hebert, resident of East Aurora}

Response 5: The preferred alternative is in concert with the city and state coastal zone management planning and policies to regain and make available waterfront access. Residential zoning is not compatible with the current surrounding land uses (industrial parks in Lackawanna, Bethlehem Steel, and rail yards). The No-Action alternative would not satisfy the city's identified need for ready-to-go industrial lands. Furthermore, the No-Action alternative is inconsistent with the city's Comprehensive Land Use Plan, which specifies the Union Ship Canal area for reuse as an area of light industrial, manufacturing, preservation of the adjacent wetland areas, and utilization of the waterfront.

The overall goals of the City are to create jobs, establish additional tax bases, and protect the environment. Utilizing the Union Ship Canal area for residential or to maintain it as is do not accomplish these goals.

The other alternatives (Open Space; Residential/Commercial Mixed Use) do not promote development of abandoned space in a manner that results in the most significant beneficial use for the City of Buffalo and one which follows the City's vision for the area. The need for economic development in South Buffalo and

B. Public Review and SEQR Hearing Comments and Responses

the redevelopment of vacant former industrial sites is an established goal identified for this area in the Comprehensive Land Use Plan.

Rezoning the area for residential use does not achieve the goal or intent of the city to establish abandoned areas for redevelopment as light industrial and manufacturing. Neighboring businesses are compatible land uses; residential is not. The city needs areas that can provide economic growth. The population of the City and region is increasingly declining. Demand for new housing is occurring within the suburbs and elsewhere within the city, not within areas of the city where past industry has once reigned. The other, more suitable areas for residential development occur within the city where residences are already located.

Rezoning the area as a residential/commercial mixed use was not considered a reasonable alternative because it would be incompatible with surrounding land uses, including the Seneca Rail Yard on the east, NYS Route 5 on the west, and industrial park development on the south in the City of Lackawanna. Mixed uses at the Union Ship Canal area would not take full advantage of the excess infrastructure that previously supported a more intense heavy industry.

The no-action alternative poses the potential for long-term adverse effects on the nearby and surrounding environment. If the Union Ship Canal area is left as is, the property will remain vacant and non-tax producing. It has also been observed that trespassers have been disposing of waste materials from building demolitions, adding to current environmental concerns and the future cost of cleanup.

If the existing zoning is not modified, it allows for uses inconsistent with the City's long-term plans (i.e., it allows heavy pollutant-producing industry, auto wrecking yards, etc.). In addition, the current zoning for this area includes no design standards.

Neither the DGEIS nor the SEQR/CERO process is intended to define de facto cleanup standards. As noted above, the objective of an EIS is to assess a project's impacts on the environment and to ensure that the Lead Agency considers environmental issues in its decision-making process. The City, as lead agency, does not set cleanup standards. NYSDEC, through its VCP, provides a release of liability to current and future owners who did not contribute to contamination of a parcel and who perform and comply with the DEC-approved remediation. The scope of the release of liability

B. Public Review and SEQR Hearing Comments and Responses

does not establish cleanup standards, but merely presents the standards that are being developed through the VCP and are designed by NYSDEC and NYSDOH to be protective of human health and the environment for future commercial, light industrial, and recreational uses. All are much more protective than the no-action alternative, which has been the de facto status since the land was abandoned by industry. The VCP process also provides the mechanism for public notice, review, and comment, exclusive of SEQR.

Comment 6: Compliance with SEQR to consider and evaluate reasonable alternatives has not been performed. Alternatives other than the preferred are quickly dismissed from consideration. {Mike Schade, CEC}

Response 6: Four alternatives were evaluated in the early stages of the SEQR process. No Action, Open Space, Residential/Commercial, and Mixed Use are all feasible alternatives, however, they do not meet the goals of the city for economic development. It is important that the proposed redevelopment be consistent with adjacent land uses, which include storage/warehouse, road and rail infrastructure, and light industry) and thus are compatible with the proposed action.

Residential development is not considered an appropriate use for this brownfield site due to the industrial nature of the project area, and is not consistent with the City's draft Comprehensive Plan policies.

The preferred alternative best achieves the stated purpose and need of the City. Therefore, other alternatives were not carried forward in the entire SEQR document.

Furthermore, the zoning restrictions being proposed are all more restrictive than the current heavy industry zoning of the property and are therefore likely to have a positive impact on the environment, which is wholly consistent with the intent of SEQR and CERO.

Comment 7: Four alternatives are proposed in the DGEIS (mixed use; residential/commercial; open space; and no action). The last three alternatives have been eliminated and only discussed briefly in the report. The GEIS recognizes the natural importance of the site. Don't destroy it with an office park. Commentator recommends that a fourth alternative be added, to develop the 275 acres as a park/nature preserve. {James Rozanski, AIA}

B. Public Review and SEQR Hearing Comments and Responses

Response 7: The proposed new (fourth) alternative, to create a park/nature preserve, is not consistent with the policies stated in the Draft Comprehensive Plan nor the stated goals and objectives of this project.

Several parcels of the site are privately owned. Applying a designation of park/nature preserve to these parcels may impact the beneficial use of private property and constitute a taking of the property if the development potential is inhibited. In addition, the City has no intention to acquire any of the privately owned properties.

Utilizing this area as a park/nature preserve further presents the question of how to pay for long-term maintenance of the property in a community with a dwindling tax base. The City cannot reasonably justify acquiring land for uses that do not add to the tax base.

Park space/nature preserve uses at this site would direct new development to rural and suburban greenfield sites requiring potential displacement of farmland, habitats, wetlands and woodlands, and would require extensions of infrastructure systems.

Although the proposed area could be developed as park space/nature preserve, it does not satisfy the City and state's intent for industrial areas to be redeveloped with compatible uses and provide a land use that aids in sustaining the economy. The City has sufficient parklands in this area (e.g., Tifft Farms, South Park, Cazenovia Park) and desperately needs to create opportunities for economic investment and jobs to be created and retained within the City of Buffalo. If the area is to be redeveloped as parklands, the need for this type of industrial development will be filled elsewhere, most likely in suburban greenfield locations. The resulting sprawl would result in the opposite effect that is desired if the industrial development were to occur on vacant urban lands that are currently served by existing road networks and infrastructure.

The City will be dedicating approximately 22 contiguous acres of land around the canal to public park space (including amenities such as sidewalks and bicycle paths) and substantial compatible parklands presently exist in the immediate area, as stated previously. In addition, the wetlands that are currently present within the 275 acres will remain as wetlands and will be further enhanced by maintaining a 100-foot buffer.

B. Public Review and SEQR Hearing Comments and Responses

B.5 Permits and Approvals (Section 1.7)

Comment 8: Please note, statutory review/approval procedures and criteria will apply regardless of any environmental determinations issued by the lead agency pursuant to SEQR. {Andrew Eszak, Director of Regional Initiatives, Erie County }

Response 8: The City of Buffalo acknowledges that other permits and approvals will be required as specific development proposals are defined. Section 1.7, Table 1-2 identifies the various permits and approvals that will be necessary for this project, in addition to the SEQR determination (e.g., subdivision review, water and sewer permits, site plan review, building permits).

B.6 Environmental Setting (Section 2.0)

Comment 9: The environmental setting does not mention anywhere the New Village Industrial Park, Gateway Trade Center, or traffic from Commercial Drive (Commerce Drive). These two industrial neighbors would seem to give justice toward the environmental setting. {Andrew Eszak, Director of Regional Initiatives, Erie County }

Response 9: These elements are discussed in the Executive Summary, in Urban Design Considerations (Section 2.12.2) and in Traffic and Transportation (Section 2.4). This comment is duly noted and agreed upon.

Comment 10: The assessment conducted (by the City for land use needs) demonstrated the amount of land dedicated to residential and commercial use exceeds the amount needed for projected population. If this is the case, why are we adding more commercial land and reducing the amount of M-3 zoned property? {Andrew Eszak, Director of Regional Initiatives, Erie County }

Response 10: The definition of commercial uses in the City's 1950 zoning ordinance differs from how the term commercial is used today. The point made in the City's Draft Comprehensive Plan refers to the types of commercial zoning found along major city thoroughfares regulating typically small lots for such uses as gas service stations, dry cleaners, restaurants, convenience stores, and miscellaneous health facilities.

In keeping with the policies of the City, clean, modern, environmentally-friendly industries are sought by the City.

B. Public Review and SEQR Hearing Comments and Responses

M-3 zoned property would allow for uses not compatible with adjacent and surrounding land uses (M-3 allows heavy industry, manufacturing, commercial, etc.) and desired land uses. There isn't a defined need for heavy industry (see Section 2.3.2, Economy, Employment, and Income, for further details). In addition, the rezoning will allow for light industry and manufacturing along with open space.

B.7 Traffic and Transportation (Section 2.4)

Comment 11: Try to explain level of service (LOS) categories more clearly in text and table. {Steve Doleski, NYSDEC }

Response 11: Revision of Table 2-4 responds to this comment.

Comment 12: The LOS for I-190 is classified as deficient. {James Rozanski, AIA }

Response 12: The LOS for I-190 is reflected in Table 2-4 of this FGEIS as a response to this comment.

Comment 13: Access to the project area is not discussed with relevance to severe winter blizzard conditions. {Mike Schade, CEC }

Response 13: Businesses have operated along the Route 5 corridors for decades. Alternate routes, such as South Park, Ridge Road, and Tifft Street, will serve the project area as these roads have serviced the adjacent corridor/development site, as they have served the rest of the corridor, as an alternative snow route.

The City of Buffalo and NYSDOT will continue to operate and maintain local streets and roads during winter blizzard conditions, as they have for the past 50 years.

Comment 14: The success of alternative 1 (development of the Union Ship Canal area) depends upon the building of the Southtowns Connector (Section 3.4). Plans for Fuhrmann Boulevard to become a parkway or boulevard is inconsistent with (the proposed action) use for heavy truck traffic and increased commuter traffic. The report does not adequately address the transportation needs of the working poor, those without automobiles. {James Rozanski, AIA }

B. Public Review and SEQR Hearing Comments and Responses

Response 14: Redevelopment of the Union Ship Canal area is not dependent on the building of the Southtowns Connector. Local roadways, Route 5, Ridge Road, South Park Avenue, Ohio Street, Fuhrmann Boulevard, and I-190 will provide access for trucks and automobiles heading to the area. Internal roadways will further transport vehicles within the development area. At present the existing transportation network is capable of accommodating project needs.

Reconfiguring Route 5 as a parkway is not part of the Union Ship Canal project. Any agency contemplating changes to the character of Route 5 would be required to address the impacts on current truck and auto traffic.

Transport needs of the local working community without personal automobiles include mass transit and pedestrian walkways in and around the development area.

In addition, the City will work with the Niagara Frontier Transportation Authority (NFTA) to put Metro bus service into the area for access to jobs and recreational activities.

B.8 Utilities and Infrastructure (Section 2.6)

Comment 15: Identify where infrastructure exists today and where connections can be made (proposed routing on site during first phase of development) and identify if underground or overhead. {Steve Doleski, NYSDEC }

Response 15: For Phase 1 of the development, the City plans to provide new water and sewer service lines to the site from the City of Lackawanna (south of the proposed project area). These service lines will be established parallel to the proposed interior roadways. Natural gas for heating will also be provided along these corridors. Agreement will be structured between the City and the Erie County Water Authority (ECWA) and Erie County Sewer Authority (ECSA) to provide water and sanitary and storm sewers. A utility corridor will be excavated and filled with clean fill to allow for the placement and future servicing of infrastructure below grade (see preliminary development graphic, Figure 3-1). For Phase I development, no additional permits will be required from local, state, or federal agencies. For development of areas north of the canal slip, additional permits (local, state, or federal) may be required, depending on the proposed route of placement of the utility corridors.

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Quantities of excavated soils are indeterminate at this time; however, the possibility for using the excavated soil for grading purposes elsewhere on the property will be reviewed. If the contaminant concentrations in soils exceed the established site-specific action levels (SSALs), the excavated soil will be transported off-site for disposal. Otherwise, the soils can be used for site grading or as additional fill material. Soil cover material type and depths will be established in accordance with NYSDOH guidelines. Cover material will be established by building lot and is dictated by site occupancy and overall costs. Any source(s) of fill material will meet criteria set forth by NYSDEC and/or NYSDOH. Large quantities of approved fill material may be stored at the proposed project site.

Comment 16: Commentator indicates that utility hookups will most likely be made through the New Village Industrial Park. {Andrew Eszak, Director of Regional Initiatives, Erie County}

Response 16: This is true. Utility hook-ups will be made through the New Village Industrial Park for the initial phase (s) of development.

Comment 17: The relationship of ECSD # 6 should be clarified with respect to the Union Ship Canal District. Storm drainage from Union Ship should not drain to any City of Lackawanna properties. Should state that only sanitary service is under possible consideration for discharge to the City of Lackawanna. Verify the capacity available at the Lackawanna Sewage Treatment Plant in the future to address the plants own needs for the Bethlehem properties. {Gerard Devlin, Assistant Deputy Commissioner, Erie County Department of Public Works}

Response 17: Erie County Sewer District (ECSD) #6 has made provisions to provide adequate sanitary capacity to the Union Ship Canal project (refer to Section C.3.6.2 for detailed information).

Comment 18: Will there be capacity problems for existing City water and sewer systems? More information should be provided. There will be a significant cost for utilities. {James Rozanski, AIA}

Response 18: Water and sewer service to the site would be provided through the ECWA and ECSA for the long term.

Short-term impacts on the City's systems will occur, however, during initial phases of development and use of the site. Utilization of City systems over the long term would occur at a higher

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cost due to longer distances traveled to reach the Union Ship Canal District. ECSD #6 has reserved 500,000 gpd of the 14 mgd (from BSA excess capacity) for the Union Ship Canal District. This is the main reason for utilizing ECSD #6.

The cost for providing new water and sewer service is estimated at \$3.1 million. This includes the construction of a clean utility corridor.

B.9 Coastal Zone Policies (Sections 2.5; 3.5)

Comment 19: Determine how the identified CZM policies will be addressed by this proposed project. Identify specifically how elements of the project will abide by the CZM policies (comments to each CZM policy are as follows): {Steve Doleski, NYSDEC }

- Determine if there are any CEAs, fish and wildlife habitats, and additional aquatic habitats in the canal. State this information and proximity to the site.
- For Policy # 21, 22, identify the area of the site that will be set-aside for City public park space. Reference public access along the entire site.
- State that the area is not a CEA and has not been recognized as a state scenic highway or waterway.
- Check NYSDEC web site to determine the visual policy.
- Policy 30, 33, 37 (stormwater runoff; discharges from site). Explain there is no intent for point source discharges. Wastewater will be treated. State there are no hazardous waste or toxic waste industries proposed (or allowed) for the area.

Response 19: Each identified and listed coastal zone management (CZM) policy in the DGEIS will be addressed in the corresponding section of the FGEIS as part of the response with revised text shown in underlined text.

B.10 Historical and Archaeological Sensitive Areas/Structures (Section 2.9)

Comment 20: Reference in the appendix of the FGEIS written clearance from SHPO on the archaeological investigation. {Steve Doleski, NYSDEC }

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Response 20: Appendix 3 of the FGEIS contains up-to-date SHPO correspondence pertaining to the Hanna Furnace buildings.

Comment 21: Elaborate on the discussion pertaining to the historical industrial complex that was present on the Union Ship Canal property; explain what physical structures actually remain and that operating equipment was dismantled. {Steve Doleski, NYSDEC }

Response 21: The corresponding section of the DGEIS has been revised to provide these additional details. That portion of the document has been included in the FGEIS and identified as underlined text.

Comment 22: Notify SHPO of the Hanna Furnace structures before proceeding with the demolition. {James Rozanski, AIA }

Response 22: SHPO consultation correspondence is included as Appendix 3 of the FGEIS.

Comment 23: Should not be supporting Hanna Furnace as a historical site in the GEIS. This may hinder future use of the Bethlehem site where the coke ovens and powerhouse are. {Andrew Eszak, Director of Regional Initiatives, Erie County }

Response 23: The historical significance at the Hanna Furnace site will be determined by the SHPO. Any determination regarding the ruins of the structures remaining at the site will be site-specific and will not influence the unrelated redevelopment of the Bethlehem Steel site.

B.11 Natural Resources (Section 2.10)

Comment 24a: Vegetation. Loss of habitat will occur as a result of the project. Willows and poplars abound. This site is filled with emerging groundcover and wildflowers. The wetlands thrive. ...much of the site is in a floodplain. {James Rozanski, AIA }

Comment 24b: Wildlife. This section needs elaboration (i.e., what is on the site; approximate numbers). Provide information from Natural Heritage re: state-listed species. {Steve Doleski, NYSDEC }

Comment 24c: The animals need extensive contiguous space. Isolated patches of grass amongst parking lots will not provide



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habitat for wildlife. These animals will not survive in an office/industrial complex. They have no place to go. {James Rozanski, AIA}

Comment 24d: The (proposed project) will destroy the habitat for virtually all animals now in the District.... ...project area has become as extension of the Tiff Farm Nature Preserve. ...effect of (relocated animals) on the Tiff Farm is not discussed. Mitigation must be factored into the project. ...development should be phased and wildlife relocated prior to disturbance of an area. {Eugene Herbert, resident of East Aurora}

Comment 24e: The 100-foot buffer (around the wetland areas) was not proposed in the GEIS. ...Service recommends maintaining this buffer between the wetlands and any future development. {David Stillwell, USFWS}

Response 24: Each comment and corresponding text response pertaining to Natural Resources (above) is contained in the FGEIS in Section 2.10 as revised underlined text or as original text from the DGEIS, and therefore not underlined.

B.12 Floodplains (Section 2.11, Water Quality)

Comment 25: Indicate that no building construction will be planned for the area within a 100-year floodplain for the first phases of development (make sure zoning document states this as well). State also that for future phases any building that will be constructed will be elevated at (whatever elevation the floodplain would be surpassed), and that foundations will be slab-on-grade construction with no openings below grade. {Steve Doleski, NYSDEC}

Response 25: All development will be done in accordance with floodplain specifications (pursuant to federal guidelines). The top of slab-on-grade foundation for the buildings will be a minimum of 12 inches above the floodplain level. The major portion of the entire site area that is classified as floodplain occurs contiguous to the canal slip.

Comment 26: Provide details/implications for the project in terms of generally accepted planning principles with respect to floodplains. {Mike Shade; CEC}

Response 26: See response to comment 26 above.

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B.13 Environmental Justice

Comment 27: Environmental Justice issues need to be addressed.
{Steve Doleski, NYSDEC}

Response 27: Environmental Justice has been added as a separate section in the FGEIS (see Section C, subsection 3.3.4). Furthermore, it has been identified and confirmed that no concentration of minority or low-income residences exist within the proposed project area or areas proximate to this location. Therefore, no displacement of minority or low-income residences will occur, and no disproportionate impacts will result to low-income or minority populations.

The proposed action will change the zoning of the area to one that is more restrictive than currently exists. The rezoning is more restrictive than currently allowed by the existing zoning, and thus, will not adversely affect the communities in proximity to the site. There are no immediately nearby residential communities, however, this rezoning actually improves the areas surrounding the proposed development site in terms of economics and social aspects. Spin-off development and social gathering places will be fostered within the developed areas to give the surrounding neighborhoods a sense of unity. The City of Lackawanna First Ward, located south of the Union Ship Canal District, is the closest residential area. It is situated approximately 0.5 mile from the proposed development area.

B.14 Site Environmental Conditions (Section 3.2)

Comment 28: Elaborate on the discussion regarding the specific remedial actions and fill depths (from remedial work plan). Duplicate discussion on page 3-8 for each parcel. For parcel 2, need to discuss further groundwater and whether or not it is an impact issue (fig. 3-2 indicates it is an issue...). List out remedial actions (see previous versions of GEIS that had actions in "bullet" fashion). Set a road map for a SEQR Negative Declaration for the Darling and CSX properties (if deemed as such). Strengthen the discussion about relation with DEC permit staff and remedial staff to help with future development/remedial measures. Reference the TAGM (cleanup goals) as an Appendix to the FGEIS. {Steve Doleski, NYSDEC}

Response 28: Section 3.2, Environmental Conditions, of this FGEIS has been revised accordingly and is included as revised

B. Public Review and SEQR Hearing Comments and Responses

underlined text. NYSDEC TAGM 4046 is included as Appendix 4.

B.15 Local Highway/Road System (Section 3.4.2)

Comment 29: Are there any NYSDOT improvement projects for roadways within the vicinity of the project area? {Steve Doleski, NYSDEC}

Response 29: Currently the Southtowns Connector Project has resurfaced as a possibility. In addition, NYSDOT has identified Route 5 for improvements. The corresponding section of the DGEIS has been revised in the FGEIS to reflect discussions pertaining to the Southtown Connector proposed project. The portion of text that is revised is in underlined text.

Comment 30: How will truck traffic be directed to the site area from off-site transportation routes?

Response 30: Truck traffic into the developed properties will be directed from established truck routes through Commercial Drive. This will aid in the prevention of air impacts on open space areas.

B.16 Community Services (Section 3.5)

Comment 31: Provide more specific details on fire fighting capacities and provisions for hydrants; ambulance service and response times; and state name of closest hospital. {Steve Doleski, NYSDEC}

Response 31: The proposed development is in its preliminary stages; only portions of the site area have been designated for development. However, discussions with the community service sector that will provide fire, police, and emergency medical treatment to the area during construction and operation will be held. An assessment of the available capacity for responding to calls in this area will be made prior to the startup of site development and occupancy by tenants. At this point in the planning stage, these details are not readily available, and thus, are discussed in a general fashion in the DGEIS and FGEIS. Locations of proposed hydrants are shown in the conceptual parcel and roadway layout map, Figure 3-1.

B. Public Review and SEQR Hearing Comments and Responses

B.17 Utilities and Infrastructure (Section 3.6)

Comment 32: Are there any permits needed for extending water and wastewater services to the site? Determine infrastructure routing; where the utilities currently exist; would utilities have to cross Parcels 3 and 4? Will utilities follow proposed roadways? {Steve Doleski, NYSDEC; page 3-16}

Response 32: Presently, there are no plans for utility connections for the first phase of construction that would be directed through Parcels 3 and 4 (see comment and response on Section 2.6 and Sections 3.6.1 and 3.6.2 Utilities and Infrastructure, for further details). The utilities are planned to follow the existing roadway corridor and proposed roadway layout (see Figure 3-1).

With respect to the need for additional local, state, or federal permits for infrastructure, please refer to Section B.8, Comment 15. In addition, although not anticipated, if additional permits were required, a Nationwide Permit would be pursued if applicable and relevant at the time of future infrastructure development.

B.18 Air Quality (Section 3.7)

Comment 33: "...analysis of air quality impacts associated with construction is lacking in detail." {Mike Schade, CEC}

Response 33: In the context of a GEIS, the information provided is general in nature. Stating that mitigation measures will be employed at the construction site and that machinery will be equipped with proper emission controls is information that can only be provided at this point in the GEIS. Specific contractor equipment has not been identified yet.

B.19 Noise (Section 3.8)

Comment 34: List existing nearest residence (address); provide noise standards; mention that temporary noise impacts could occur during the phased development of the site to existing tenants; justify that "no noise-sensitive receptors are at the site" {Steve Doleski, NYSDEC}

Response 34: The nearest residential area is the City of Lackawanna First Ward, located approximately 0.5 mile south of the Union Ship Canal District. There are no other noise-sensitive receptors in proximity to the site area. Some residences exist on

B. Public Review and SEQR Hearing Comments and Responses

Hopkins and Tiff streets, however, at distances that would not increase sound levels 5 or 10 dBA above ambient conditions. The city noise ordinance will be adhered to when future development occurs at the site. This will ensure that noise levels from contractor equipment will not exceed established decibel thresholds (see Union Ship Canal District Zoning Document, page 42, for details pertaining to allowable increases in sound levels).

B.20 Zoning

Comment 35: "...not clear from the DGEIS and zoning (if) CSX rail spurwill remain in place and whether access....is encouraged and/or permitted." {Mike Schade, CEC}

Response 35: The CSX rail spur is an existing use and would be grandfathered in as a permitted non-conforming use under the proposed zoning. Retention of rail service is encouraged, as it is an asset to several types of businesses.

Comment 36: "...need to see how the streets will be laid out and how wide they will be." {James Rozanski, AIA}

Response 36: The proposed roadway layout is two lanes, each 28 feet wide: Two 11-foot travel lanes with 2 to 3-foot offsets. See preliminary road concept on Figure 3-1. In addition, all streets include a 5-foot sidewalk.

C

GEIS Text Revised to Address Comments

Executive Summary

Description of Proposed Action

The Common Council for the City of Buffalo is being asked by the project applicant, Development Downtown, Inc., (DDI) to adopt a modification to the City's Zoning Ordinance that will establish the Union Ship Canal District and encourage controlled development of former industrial and railroad lands. The proposed Union Ship Canal District includes approximately 275 acres and is located along the Lake Erie waterfront in South Buffalo. Approximately 114 acres of the proposed district will be transferred to DDI, the City's economic development agency. Development of the 114 acres would be the initial phase for development within the district in accordance with the proposed zoning ordinance modification.

The area proposed as the Union Ship Canal District is located along the Lake Erie waterfront in South Buffalo; it is roughly bounded by Tifft Street to the north, the Seneca Rail Yard to the east, the city line of Buffalo and Lackawanna to the south, and New York State (NYS) Route 5 to the west.

The proposed Union Ship Canal District is centered around the Union Ship Canal, which flows under NYS Route 5 and Fuhrmann Boulevard and connects to Lake Erie. A railroad line, owned by CSX Corporation, extends from the Seneca Rail Yard parallel and north of the Union Ship Canal. The City of Buffalo acquired 114 acres of land south of the railroad when its previous owners declared bankruptcy and abandoned the property. Approximately 161 acres of vacant industrial land remain in private ownership, including wetland areas along the south side of Tifft Street.

The purpose and need for the proposed action is to encourage economic development in the City of Buffalo through the use of former industrial lands, known as "brownfields." It is critical for the City to successfully develop sites such as the Union Ship Canal. Revising the zoning classifications for this area will be a critical

first step in revitalizing these portions of the City, encouraging job growth and retention in the City of Buffalo, and returning (i.e., recycling) these lands back into productive use (although at a less intense and obtrusive use). In a more regional perspective, development of the Union Ship Canal District will counteract the growing trend of office and light industrial uses migrating to greenfield sites in the suburbs, and as such will serve to limit urban sprawl.

The Draft Generic Environmental Impact Statement (DGEIS) addressed the potential environmental impacts associated with the implementation of the rezoning, land transfer, and development of the project area. It was prepared in accordance with the State Environmental Quality Review Act (SEQR) requirements, established by Article 8 of the New York State Environmental Conservation Law (ECL) and implemented by the New York Code of Rules and Regulations (NYCRR), 6 NYCRR Part 617, and the Charter and Code of the City of Buffalo, Part II General Legislation, Chapter 168 (hereafter referred to as CERO.).

SEQR/CERO requires a systematic, interdisciplinary approach to environmental review to allow for possible modifications to the proposed action to mitigate/avoid impacts on the environment. As lead agency, the City of Buffalo Common Council has taken all formal actions implementing SEQR/CERO, including the following: formal establishment of lead agency, making a positive declaration that a draft GEIS is required, and accepting the draft GEIS. Future actions under SEQR/CERO will include the acceptance of the final GEIS and subsequent Findings Statement. This FGEIS responds to public review comments through the elaboration of existing DGEIS text and the incorporation of additional information, where necessary and available. This FGEIS incorporates the July 2001 DGEIS and identifies the existing environmental conditions within the project area, analyzes and discusses potential project impacts, identifies appropriate mitigation that will be undertaken to avoid or reduce potential adverse impacts, and identifies beneficial impacts associated with the proposed action.

Environmental Setting

The area proposed as the Union Ship Canal District is located along the Lake Erie waterfront in South Buffalo. It is roughly bounded by Tifft Street to the north, the Seneca Rail Yard to the east, the city line of Buffalo and Lackawanna to the south, and NYS Route 5 to the west. The area currently consists of vacant industrial land, a rail corridor, the Union Ship Canal, and wetland areas. The site is currently zoned M-3 for heavy industrial use.

The proposed Union Ship Canal District is located at the southwest edge of the South Buffalo Planning Community, adjacent to the Buffalo River Planning Community. While South Buffalo is largely a residential district, the Buffalo River Planning Community is identified with the industrial uses along the Buffalo River and extending south to Tifft Street along the Lake Erie waterfront.

Much of the land use surrounding the proposed Union Ship Canal District (within the City of Buffalo) is vacant and industrial. The railroad corridor and vacant industrial land extends east to Hopkins Street, which has a mix of primarily residential and commercial land uses. South of the proposed district in the City of Lackawanna is the 42-acre New Village Industrial Park. South Park is located southeast of the site, east of the railroad corridor. Land uses west of NYS Route 5 are industrial and vacant to the Lake Erie shoreline. North of the proposed district, across Tifft Street, is recreational land use, including the George J. Hartman Playfield and Tifft Farm Nature Preserve, which was developed from a former industrial site.

The proposed Union Ship Canal District is located within the state's established coastal zone boundary. The City of Buffalo is currently developing its Local Waterfront Revitalization Plan (LWRP), which is expected to be adopted within the year. In addition to being located within the boundary of the state's coastal zone boundary, the Union Ship Canal area is also located within the Buffalo Coastal Special Review District (BCSRD) established by Chapter 511, Article XVI, Section 511-67 of the City of Buffalo Zoning Ordinance, which controls development in coastal areas. Section 3.1 provides details of how the proposed development will address the coastal zone management policies applicable to the Union Ship Canal District.

The project area does not contain known prehistoric archaeological sites. The site has been significantly disturbed by prior industrial activities. The ground disturbance is evidenced by the presence of enormous spoil heaps and push piles within the bounds of the former Shenango, Inc., mold plant and Hanna Furnace property. Some of these above-grade debris piles are 15 feet high. Correspondence received from SHPO dated May 14, 2001, indicates that the Union Ship Canal slip is eligible for the National Register of Historic Places (NRHP). On June 4, 2001, correspondence from the OPRHP indicated that the Hanna Furnace remains may be NRHP-eligible. Discussions with SHPO that took place throughout the course of the public review period indicated that additional historical documentation of the Hanna Furnace property is neces-

sary to establish a recordation of the history of the complex. Photographs of remaining foundations were taken and a written historical summary of the complex is currently under preparation.

The City of Buffalo recently received written documentation from SHPO (dated November 20, 2001) indicating that their review of the provided photographs of the building remains was completed. Additional items are requested of the City by SHPO to fulfill the recordation request for development of this portion of the Union Ship Canal District. The City is in the process of addressing these concerns. A copy of the letter is included in Appendix 3 of this document.

Naturally occurring vegetation in the project area has been altered by past land use and subsequent placement of fill material. The predominant land use was industrial and therefore there is currently little native species vegetation. Adjacent and on-site railroad and paved rights-of-way have also been cleared of much of the naturally occurring vegetation. The northern portion of the proposed Union Ship Canal District contains depressions and eroding drainage ditches that support wetland species. The two wetlands located near the northern boundary of the proposed Union Ship Canal District are Class II and the wetland located at the eastern boundary is Class I.

No federally listed or proposed endangered or threatened species are known to exist in the project area, except for occasional transient individuals. The New York State Natural Heritage Program was consulted for information on state-listed threatened and endangered species. Five plant species were identified as historically occurring in the City of Buffalo (the exact locations were, however, indeterminate). Because these species were observed in the early 1900s and no field information indicating the current presence of these plant species is available, it was determined via recent field visits by trained biologists that the likelihood that these plant species presently exist at the proposed project area is very small.

The Union Ship Canal area has a long and varied history of industrial use. While environmental investigations conducted to date in the Union Ship Canal area have indicated that industrial contamination resulting from this historic use of property is marginal, environmental investigations are ongoing and remediation may be required prior to development. Any environmental investigation or remediation that would be required in the proposed Union Ship Canal District would be subject to the

review, purview, and jurisdiction of NYSDEC, Environmental Conservation Law, Articles 1, 3, 27, and 56.

One or more parcels in the proposed Union Ship Canal District may require environmental investigation or remediation prior to development. Cleanup levels would be in accordance with NYSDEC and NYSDOH standards for the intended land use of the proposed developments. Each parcel within the proposed Union Ship Canal District has undergone, or will soon be subject to, investigations involving sampling of surface soils, subsurface soils, surface water, and groundwater. Appendix 1 of this FGEIS contains the most current draft Remedial Action Work Plan for the Hanna Furnace site, Subparcel 1 (Former Railroad Yard). This correlates to Parcel 1 of the Union Ship Canal District. The VCP is presently under final negotiations with DDI.

Alternatives Considered

Pursuant to SEQR, a description and analysis of a range of redevelopment alternatives are required to ensure the selection of a preferred plan that best meets the project objectives, represents the most feasible option based on environmental, social, and economic considerations, and mitigates impacts to the environment. The identification and analysis of alternatives was integral to the overall process of selecting the proposed plan for development of the Union Ship Canal area.

The City considered various alternatives for development of the former industrial and railroad lands in the area of the Union Ship Canal, through the South Buffalo Redevelopment concept plan and through preparation of the Draft Comprehensive Plan. Based on public comment, the evaluation of each alternative, including the Preferred Alternative, was elaborated and is provided in this FGEIS in Section 1.6.

Significant Beneficial and Adverse Impacts

The establishment of the Union Ship Canal District and transfer of land to DDI is proposed to encourage a mix of private and public development of the former industrial and railroad lands around the Union Ship Canal that would create job opportunities and provide improved public access to the waterfront. It is consistent with the city-wide goals, objectives, and policies identified in the City's Comprehensive Planning process. The Union Ship Canal District would further help the City achieve the goal of making brownfield site redevelopment a priority. Development of the Union Ship Canal area could result in negative impacts to the environment if the

capacity of the utilities and infrastructure are not adequate for the established design thresholds specified in the zoning amendment.

The proposed development will result in the following beneficial impacts:

- Conversion of land use from vacant, former heavy industrial to office, light industrial, and manufacturing, therefore eliminating adverse impacts associated with currently permitted uses such as junkyards, heavy industrial facilities, freight terminals, and others;
- Preservation of wetland and open space areas with enhancement of public access to Lake Erie;
- Achievement of the City goal of brownfield redevelopment and getting these sites back into productive office/light industrial uses;
- Provision of an opportunity for business investment and job retention/creation with the potential for 11,000 jobs within the city; and
- Preservation and restoration of the NRHP-eligible Union Ship Canal and subsequently providing for increased public access and enjoyment of this resource in a safe manner.

Potential adverse impacts associated with development of the proposed Union Ship Canal District include the following:

- Increased demand on utilities and infrastructure including water, gas, and electric use and increased generation of solid wastes, although at a lower demand than required by the historic heavy industrial use of the site;
- Temporary increase in air emissions and noise as a result of construction of the developments;
- Increased traffic, especially during peak morning and afternoon periods Monday through Friday; and
- Demolition of the remains of the Hanna Furnace structure(s).

Proposed Mitigation Measures

Various construction and operational methods have been identified and analyzed to minimize or avoid potential adverse impacts asso-

ciated with development of the proposed Union Ship Canal District and operation of light industrial and manufacturing facilities and office complexes. In addition, mitigation measures have been established for proper recordation of historic, architectural resources prior to development. Furthermore, mitigation measures have been established for development of areas where existing environmental conditions are of concern due to past industrial use. The mitigation measures proposed for the construction phase of the development include:

- Compliance with applicable NYSDEC Environmental Laws, Articles 1, 3, 27, and 56 and policies for parcels requiring an environmental investigation or remediation prior to development;

For development at Parcel 1, implementation of a Voluntary Cleanup Program (VCP) and associated Remedial Work Plan and Soils Management Plan (SMP). If Parcels 2 and 3 require environmental remediation, a review of appropriate measures will be conducted to determine a suitable remedy, including the following:

- Reducing localized air impacts by requiring construction equipment to be maintained and operated in accordance with manufacturers' recommendations;
- Controlling dust during soil disturbing activities with dust-suppression techniques such as application of water or agglomerating agents;
- Reducing localized noise impacts by maximizing daytime construction when people are less sensitive to noise intrusion;
- Reusing excess soils or disposing of in accordance with applicable regulations, the VCP/Remedial Work Plan and the SMP; and
- Collecting surface water/stormwater runoff from the construction site for pretreatment at the Buffalo Sewer Authority (BSA) and securing a Stormwater Discharge Permit from NYSDEC.

Mitigation measures proposed for operation of light industry, manufacturing, and office complexes include:

- Enforcement of deed restrictions on proposed site designs and uses;

- Approval of site plan designs by the City of Buffalo Planning Board and the Department of Public Works in accordance with the proposed zoning modification;
- Preparation of an appropriate SEQR documentation and the securing of necessary state and local permits and approvals for subsequent development;
- Complying with the identified Coastal Management Policies; and
- Establishing the current and anticipated traffic volumes to determine the need for an intersection analysis and subsequent implementation of appropriate traffic flow control measures.

Matters to be Decided

Implementation of the proposed action will require certain approvals and actions from local, state, and federal agencies. Table 1-2 of the Draft GEIS, included in this FGEIS, provides a list of these requirements. Pursuant to SEQR, the City of Buffalo Common Council is the lead agency responsible for accepting the draft GEIS. The DGEIS was accepted as complete by the City of Buffalo Common Council on July 10, 2001. This FGEIS will be presented to the Common Council in January 2002. Following the Common Council acceptance of the FGEIS and the 30 day review period, the Council will prepare its Findings Statement.

1

Description of the Proposed Action

1.1 Introduction

The Common Council for the City of Buffalo is proposing to adopt a modification to the city's Zoning Ordinance that will establish a Union Ship Canal District and encourage controlled development of former industrial and railroad lands. The proposed Union Ship Canal District is approximately 275 acres and is located along the waterfront in South Buffalo. Approximately 114 acres of the proposed district have been transferred to Development Downtown, Inc., the city's economic development agency. Development of the 114 acres would be the initial phase for development within the district in accordance with the proposed zoning ordinance modification.

This Generic Environmental Impact Statement (GEIS) will address the potential environmental impacts associated with the implementation of the rezoning and development of the project area.

This GEIS has been prepared in accordance with State Environmental Quality Review Act (SEQR) requirements, established by Article 8 of the New York State Environmental Conservation Law (ECL) and implemented by the New York Code of Rules and Regulations (NYCRR), 6 NYCRR Part 617.

The Charter and Code of the City of Buffalo, Part II General Legislation, Chapter 168, Environmental Review was enacted pursuant to Article 8 ECL and 6 NYCRR 617. This code supplements 6 NYCRR 617 and if there is a conflict between the chapter and SEQR, 6 NYCRR shall supersede the chapter. The two codes are parallel. Chapter 168 expands upon the list of actions requiring the preparation of an EIS and designates the Council as lead agency for projects with multiple city/agency involvement.

1.2 SEQR Process

SEQR/CERO establishes an environmental review process for actions that are directly undertaken, funded, or approved by local, regional, and state agencies. Its intent is to ensure that, along with social and economic factors, environmental factors are considered in the planning and decision making processes of these agencies.

SEQR/CEQO requires a systematic, interdisciplinary approach to environmental review to allow for possible modifications to the proposed action to avoid impacts on the environment. Coordination and review of the SEQR/CEQR process is the responsibility of the lead agency, which is the governmental entity directly responsible for the implementation, permitting, and/or funding of the proposed project (6 NYCRR 617.14).

Comment 1: "How does City CERO correspond or relate to SEQR?"

The primary purpose of CERO is to define, coordinate, and prepare an appropriate environmental impact analysis for projects that are being undertaken, funded, or approved by the City of Buffalo and also identifies additional actions deemed by the Common Council likely to have a potential adverse effect on the environment, indicating that an Environmental Impact Statement will be required. It clarifies lead agency status where more than one city agency is involved. CERO does not modify or add SEQR requirements, in this instance, where the project has been considered a Type I action. CERO does, however, expand on Type I actions within the City of Buffalo.

On October 31, 2000, the City of Buffalo Common Council was designated as lead agency because the council has the authority to adopt an amendment to the City's Zoning Ordinance and transfer city-owned land.

The primary tool of the SEQR/CERO process is the Environmental Impact Statement (EIS). If it is determined that a proposed action may have a significant impact on the environment or exceed certain thresholds and for certain types of actions, an EIS is prepared to explore ways to mitigate environmental impacts or to identify and review alternatives. Under 6 NYCRR 617.10, a generic EIS is prepared when, among other reasons, the project being considered is programmatic or not site-specific, therefore centering the analyses upon the generic or general impacts on the environment, regardless of location.

Although the proposed action involving development of the Union Ship Canal site is subject to SEQR, the determination of the rea-

1. Description of the Proposed Action

sonableness of the Voluntary Cleanup Agreement is not determined in the SEQR process. The Voluntary Cleanup Program is discussed within the context of this FGEIS and the associated Remedial Action Work Plan is included as Appendix 1.

The Common Council issued a Positive Declaration and Notice of Intent (NOI) to prepare a GEIS on December 20, 2000, and accepted the Positive Declaration and NOI at a council meeting on January 9, 2001. A GEIS has been prepared because specific development plans for the entire site have not been completed that would indicate the proposed uses, number of new employees, or sites of any new construction. Rezoning the site would, however, guide and encourage the type of development that the City needs to increase employment and the tax base.

The expected outcome of the GEIS will result in one of the following decisions by the City: (1) approval of the rezoning and transfer of 114 acres to DDI; or (2) a decision of no action where the zoning would continue to be for heavy industrial development. Development of additional phases may require the preparation of an Environmental Assessment Form (EAF) and securing any necessary permits prior to construction. Any additional environmental reviews would ensure that environmental concerns specific to a development plan and parcel are addressed and that potential impacts do not exceed those identified in this GEIS. In addition, one or more parcels within the Union Ship Canal District may require further environmental investigation and/or remediation. This work may be subject to the jurisdiction, purview, review, and approval of New York State Department of Environmental Conservation (NYSDEC) and public notice and comment as required by applicable NYSDEC regulations and policies.

All development proposals within the Union Ship Canal District will be subject to design review and approval by the Planning Board. The Board will review:

- Building design and siting;
- Vehicular access;
- Parking;
- Pedestrian circulation;
- Site environmental features;

1. Description of the Proposed Action

- Public facilities such as utilities, roads, and open space;
- Avoidance of nuisance (e.g., dust, noise, odors, smoke, and vibrations);
- Drainage conditions;
- American Disabilities Act compliance; and
- Property maintenance agreements for privately-owned properties.

Development proposals are required to contain:

- A soils management plan approved by NYSDEC, if applicable;
- Locations of outdoor eating areas and open space;
- Landscaping plan;
- Locations of water features;
- Fencing and retaining walls;
- Lighting;
- Locations of bus stops and shelters;
- A description of all required permits;
- Deed restrictions;
- Exterior building materials; and
- Normal hours of operations.

1.3 Project Location and Setting

The area proposed as the Union Ship Canal District is located along the Lake Erie waterfront in South Buffalo; it is roughly bounded by Tifft Street to the north, the Seneca Rail Yard to the east, the city line of Buffalo and Lackawanna to the south, and New York State (NYS) Route 5 to the west (see Figure 1-1).

The proposed Union Ship Canal District has an area of approximately 275 acres, encompassing the former industrial complex of the Hanna Furnace Corporation and the Shenango Steel, Inc.,



Figure 1-1 LOCATION MAP

1. Description of the Proposed Action

Comment 2:
"Provide additional details about the remnants of Hanna Furnace."

foundry as well as property currently owned by CSX and Herbert Darling. On a portion of the site, the Hanna Furnace Corporation manufactured iron, importing raw materials by Great Lakes carriers through the Union Ship Canal. It supplied pig iron to the adjacent Shenango foundry, which manufactured ingot molds for steel manufacturing. The companies closed in the early 1980s and their properties were sold to various scrap material-processing companies.

The City of Buffalo acquired the 114 acres of land (Hanna Furnace area) after the previous owners declared bankruptcy and abandoned the property. Previous owners had removed all operating equipment and rolling stock. The furnaces have been partially demolished by means of explosives. Items that had been left standing included a locker building, a machine shop, a storage shed, the remnants of coal and fuel storage facilities, and numerous building foundations. Under a City-issued condemnation order, these remaining structures/foundations have been demolished. The City of Buffalo contacted SHPO prior to their demolition. Detailed correspondence that documents these discussions is included in Appendix 3.

The proposed Union Ship Canal District is centered around the Union Ship Canal, which flows under Route 5 and Fuhrmann Boulevard and connects to Lake Erie. A railroad line, owned by CSX Corporation, extends from the Seneca Rail Yard parallel and north of the Union Ship Canal. The City of Buffalo acquired 114 acres of land south of the railroad when its previous owners declared bankruptcy and abandoned the property. Approximately 136 acres of vacant industrial land remain in private ownership, including wetland areas along the south side of Tiffet Street (see Figure 1-2).

Based on its past industrial use, most of this area is currently zoned M-3. An M-3 zoning classification permits heavy industrial uses, including blast furnaces and manufacturing for cement, lime, gypsum, and abrasives.

1.4 Proposed Action

DDI has requested the City Council to adopt a modification to the City's Zoning Ordinance that will establish the Union Ship Canal District and encourage controlled development of former industrial and railroad lands. The proposed Union Ship Canal District includes approximately 275 acres and is located along the waterfront in South Buffalo. Approximately 114 acres of the proposed district

1. Description of the Proposed Action

Comment 3: "...The proposed action will also serve to set cleanup standards for contaminated land within the project area. The "proposed action" is not clearly disclosed in the DGEIS... ."

will be transferred to DDI, the City's economic development agency, in order to begin the initial phase for development.

The intent of the proposed action is to make this abandoned former industrial property available for productive use by providing larger lots suitable for and zoned for industrial and commercial uses. The purpose of the Draft GEIS is not to "set cleanup standards for contaminated lands." The purpose of the GEIS is to assess impacts associated with the redevelopment of the Union Ship Canal District. The proposed actions of the Draft GEIS include the following:

■ The acquisition and disposition of land for development:

■ Infrastructure development: and

■ Rezoning

The proposed development can occur with or without the Voluntary Cleanup Program (VCP). The property is being rezoned to prevent future noxious uses incompatible with City and State coastal zone management plans and policy goals for waterfront sites.

Cleanup levels for this property are defined by NYSDEC and NYSDOH, and those agencies have determined that the cleanup levels will be and are protective of the public health and the environment. Cleanup levels have been determined as part of the Voluntary Cleanup Agreement (VCA) process, separate and distinct from the SEQR process.

The Remedial Action Work Plan is included in this FGEIS as Appendix 1. This plan addresses the remedial measures for Parcel 1, including the site-specific action levels (SSALs) that have been set by NYSDEC and NYSDOH specifically for this site. This element of the project is being done under NYSDEC's VCA program.

1.5 Purpose and Need

The purpose and need for the proposed action is to encourage economic development in the City of Buffalo through the use of former industrial lands, known as "brownfields." It is critical for the City to successfully develop sites such as the Union Ship Canal; it is a critical first step in revitalizing these portions of the City, encouraging job growth and retention in the City of Buffalo returning (i.e., recycling) these lands back into productive use (although at a less intense and obtrusive use), and to counteract the growing trend



Figure 1-2 PROPERTY OWNERSHIP WITHIN PROJECT AREA

1. Description of the Proposed Action

of office and light industrial uses migrating to areas in the suburbs (i.e., urban sprawl).

The proposed development of the Union Ship Canal District aims to control sprawl by making use of urban sites serviced by infrastructure and accessible to transit-dependent populations. Providing such opportunities in areas of the city accessible by public transportation, with infrastructure, and compatible with the surrounding land uses, is an alternative to the continued development of the suburbs.

From the turn of the last century through World War II, the City was a major center for steel production, milling, and shipping. After World War II, the economic environment changed—the opening of the St. Lawrence Seaway diverted shipments from the City's ports and foreign competition in steel production accelerated. The large industrial complexes could not adapt to these changes and the City's industrial base steadily declined.

Over the past 30 years, development in Western New York has predominately taken place on what are known as "greenfields." Areas formerly used for agriculture were more easily converted to the new economic growth industries and residential development, and the City lost large numbers of its workforce and its population while the brownfields lay vacant and unproductive.

Leaders throughout the state and the country have recognized the need for brownfield development to re-invigorate the urban cores of the country's metropolitan areas. Environmental issues associated with greenfield development, generally encompassed within the term "urban sprawl," are now as great, if not a greater concern, than the environmental issues associated with the industrial legacy of brownfields.

Since the time that industry dominated the waterfront in Buffalo, citizens have recognized the importance of the waterfront as a recreational and scenic amenity for the area. Economic development that returns the waterfront to heavy industrial use is no longer desirable.

Establishment of the Union Ship Canal District and transfer of land to DDI is proposed to encourage a mix of private and public development of the former industrial and railroad lands around the Union Ship Canal that would create job opportunities and provide public access to the waterfront.

1. Description of the Proposed Action

Comment 4:
"Downtown Buffalo has many vacant lots and abandoned or underutilized structures and areas."

While other areas within the City of Buffalo do have vacant and abandoned industrial sites (including downtown Buffalo, along Seneca Street, the East Side, etc.), these areas do not provide the amount of contiguous property required to meet the needs of the large-scale commercial or industrial users of today and the future. Users envisioned for the Union Ship Canal District will require 5 to 10 acre lots for one to two-story buildings with good truck access. Many of the scattered vacant industrial sites and structures elsewhere in the City are functionally obsolete for today's industries; they are too small (less than 1 acre), do not have sufficient and convenient highway access, and are located in residential areas. The advantage of the Union Ship Canal District is that it is relatively removed from residential areas, it has good highway access, and the site allows for larger parcels to be available for development.

Under the current Zoning Ordinance, this area is a heavy industry district, which permits such industrial uses as blast furnaces and manufacturing of cement, lime, gypsum, and abrasives. It was primarily the site of a large industrial complex comprising the Hanna Furnace Corporation and the Shenango Steel, Inc., foundry. In the current market, development opportunities are more likely to occur on a smaller scale and consist of many different office, light industrial, and warehousing uses and businesses sharing a development area. Successful business growth throughout the country is occurring in industrial park developments, which combine amenities such as landscaping, retail, and business services within a planned community setting.

The City, in its present state, is not competitive with other cities and suburban areas of similar size for job creating investment due to the fact that it does not have an ample supply of ready-to-go industrial lands. The City of Buffalo's Draft or emerging Comprehensive Land Use Plan specifies the Union Ship Canal District for reuse as an area of light industrial, manufacturing, preservation of the adjacent wetland areas, and utilization of the waterfront. The proposed action promotes this plan, regardless of site conditions. There is no identified need for new parkland in this area nor for open space, although an area measuring 200 feet immediately around the canal itself will be set aside as open space with no development planned or allowed.

The proposed zoning modification would allow for planned growth. It would specify permitted uses that are compatible with and complementary to each other, provide for improved public access to the waterfront, and the surrounding land uses and recrea-

1. Description of the Proposed Action

tional assets (e.g., Tiff Farm Nature Preserve and South Park). It would ensure a visually attractive appearance by defining design and development standards for buildings, landscaping, lighting, parking, and signage.

One of the project goals is to establish new land use regulations and design standards for this former heavy industrial area of the City. Such goals are traditionally achieved through the use of zoning techniques adopted by the local legislative body. Zoning provides for consistent application of regulations and variance procedures by the City and its boards. Zoning is adopted by the City without the involvement of other agencies such as the Buffalo Urban Renewal Agency.

While an urban renewal plan could result in land use and design guidelines, these guidelines would only exist for the life of the urban renewal plan (usually 20 years). At such time, the underlying zoning would then regulate land use. In short, a rezoning of the site would still be required at some point in the future.

Urban renewal plans are traditionally used when the City intends to acquire private property for redevelopment. For the Union Ship Canal project, the City has no desire to acquire properties beyond what is already owned for redevelopment. Any land required for public infrastructure would be acquired through the exercise of the City's police powers.

Past experience with development within the city indicates that the application of urban renewal land use and design guidelines has been inconsistent. It is often not clear when urban renewal plan regulations apply and when the underlying zoning applies. Often discretion is given to a single individual to waive or modify plan requirements affecting consistency of regulation application.

A well-defined development plan, implemented through the proposed zoning modification, would facilitate business recruitment, job retention and creation, and business investment in the community. All development proposals within the proposed Union Ship Canal District would be subject to design review and approval by the City's Planning Board. As a result of this GEIS, the Planning Board would be able to shorten its review process for individual projects and development proposals by evaluating the quality and appropriateness of the proposal on the basis of the permitted uses and standards contained within the zoning modification and the range of impacts identified herein.

Comment 5:
"Alternatives other than the proposed were not given sufficient consideration..."

1.6 Alternatives

Pursuant to SEQR/CEQR, a description and analysis of a range of alternatives are required to ensure the selection of a preferred plan that best meets the project objectives, represents the most feasible option based on environmental, social, and economic considerations, and mitigates impacts to the environment. The identification and analysis of development alternatives was integral to the overall process of selecting the proposed plan for development of the proposed Union Ship Canal District.

The City considered the following alternatives for development of the former industrial and railroad lands in the area of the Union Ship Canal:

- Mixed Use (Preferred Alternative)
- Residential/Commercial Mixed Use
- Open Space
- No Action

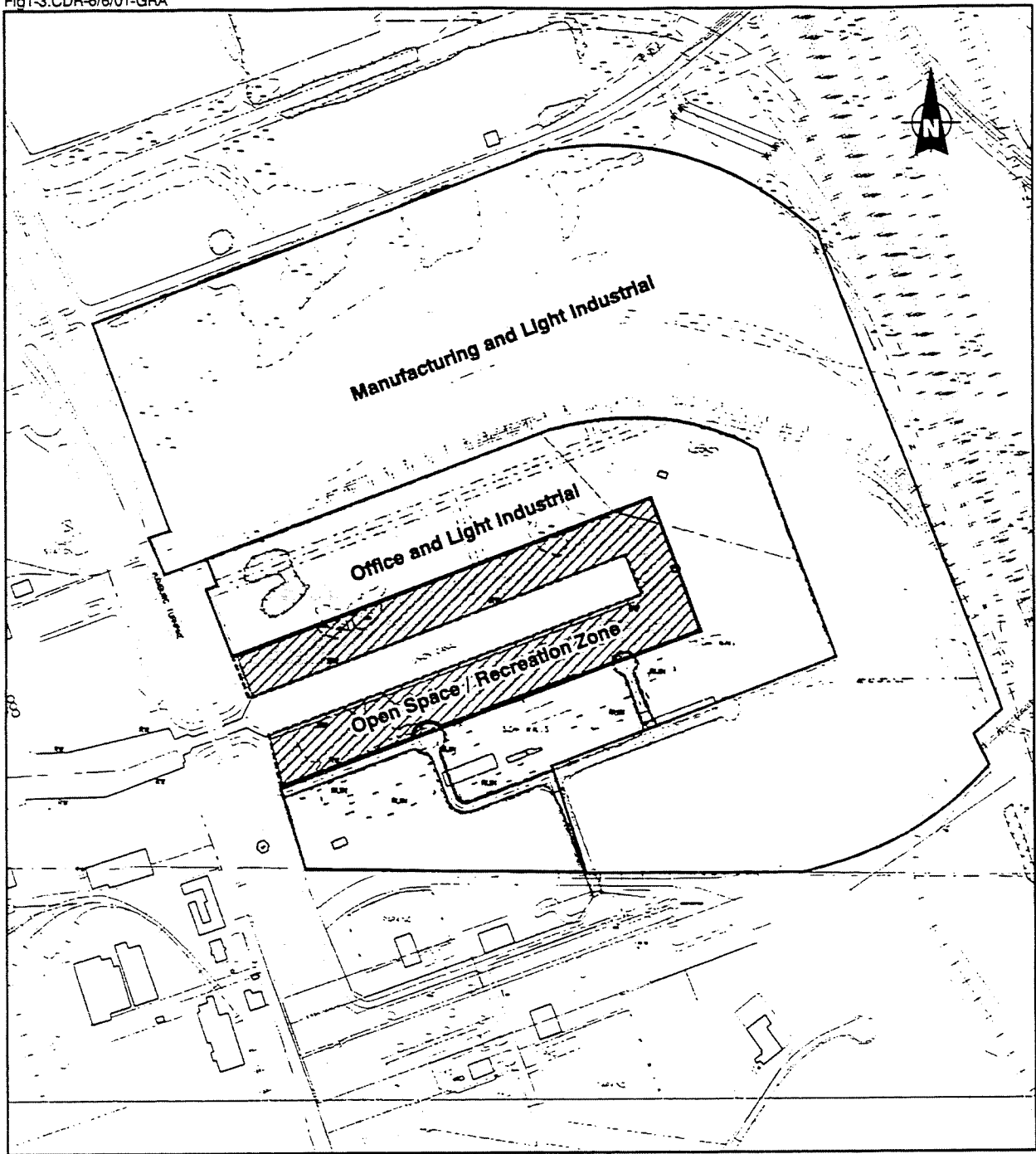
These alternatives are described in the sections to follow. Detailed information pertaining to each alternative is provided.

1.6.1 Mixed Use (Preferred Alternative)

Under the preferred alternative, the Union Ship Canal District would include a mix of public and private open space and recreation uses along the canal; high-quality office, light industrial, and manufacturing uses adjacent to the open space; and larger-scale, light industrial and distribution uses on larger parcels of land on the periphery (see Figure 1-3). Within the Union Ship Canal District would be the following zoning classifications:

- Office and Light Industrial;
- Manufacturing and Light Industrial; and
- Open Space/Recreation.

Specifically prohibited uses include residential, freight terminals, junkyards and recycling yards, heavy industry, or other uses that will interfere with the recreational uses and the light industrial park, and are therefore not part of the zoning amendments.



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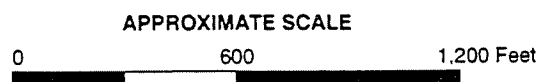


Figure 1-3 PROPOSED ZONING MODIFICATION

1. Description of the Proposed Action

Each proposed classification is discussed briefly below. A copy of the proposed Union Ship Canal District zoning document is included as Appendix 5.

Office and Light Industrial

The purpose of this zone is to complement the Open Space/Recreation zone along the canal. This zone allows higher-density development that resembles an industrial village with a mixture of light industrial, commercial, and recreational uses (see Appendix 5). Developments must be a minimum of 2 acres and be designed with a minimum setback from the street or canal and pedestrian access. Parking, services, and loading areas are located in alleys and between buildings to allow for an attractive streetscape. The primary uses that may be established in this Office and Light Industrial zone include the following:

- Research - Offices and laboratories;
- Offices – Corporate or regional headquarters and administrative offices; Local service offices such as real estate sales, insurance agencies, doctors, or other offices typically found in commercial districts would only be included in a structure or integrated complex of at least 25,000 square feet of gross floor area;
- Manufacturing – High-tech, light and general manufacturing that conform to design and development standards; and
- Mixed Business Use – A complex of primary-use facilities including warehousing and commercial developments.

Limited uses are retail and service uses, including restaurants, convenience stores, retail banks, savings and loans, credit unions, and warehouse and storage uses developed concurrently or after a primary use. Limited uses must be no more than 10% of the developed floor area of the project (except warehousing and storage, which may be no more than 35% of the developed floor area), and designed to serve primarily the shopping and service needs of the employees and businesses in and near the Union Ship Canal District.

Manufacturing and Light Industrial

The purpose of this zone is to offer an opportunity for large-scale light industrial and warehouse development. The inclusion of ample landscaping in the design of this zone complements the devel-

1. Description of the Proposed Action

opment surrounding the area. The primary uses that may be established in this Manufacturing and Light Industrial zone are the same as those permitted in the Office and Light Industrial zone, but warehousing and distribution uses are considered a primary use, whereas in the Office and Light Industrial zone, those uses are limited. For this classification, developments must be a minimum of 5 acres. This zone is characterized by large setbacks and buffers to screen buildings from roads and create a parkway experience.

Open Space

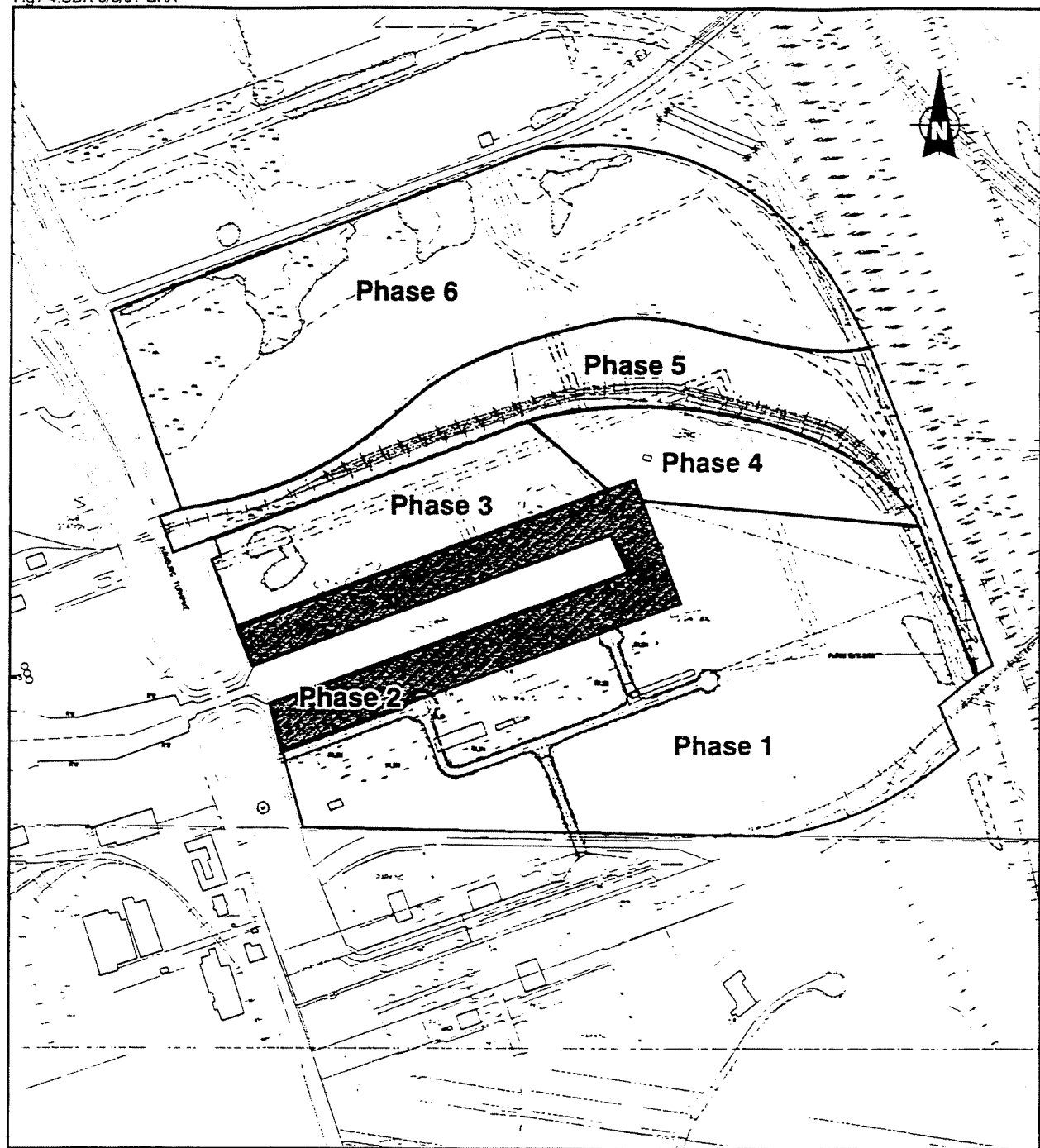
Open space serves as an important organizing feature of the proposed Union Ship Canal District. The purposes of these areas are to protect sensitive or fragile environments, preserve capacity and water quality of stormwater drainage systems, provide a contrast to the built environment, provide space for recreational activities, and preserve scenic qualities of the waterfront. Allowed uses are varied and include parks and playgrounds, marinas and associated concessions, outdoor and indoor recreational facilities, and conservation, educational, and scientific research uses.

The current development concept for the Union Ship Canal District consists of six phases (see Figure 1-4). This development would occur over six to 10 years. Approximate acreage by zoning classification is shown in Table 1-1.

Table 1-1 Proposed Acreage by Zoning Classification

Zoning Classification	Area (acres)
Office and light industrial	60
Manufacturing and light industrial	160
Open space/recreation	25
Canal	10
Wetland	20
Total	275

This alternative is considered the preferred alternative because it allows for economic development with public access to the waterfront. The site offers an opportunity for light-industrial business growth that cannot be easily replicated elsewhere in the City. Businesses would be able to develop large parcels, which could accommodate large-scale investments in warehousing and distribution facilities, and corporate office complexes. It is close to interstate highway and railroad transportation corridors that link Buffalo to major markets throughout the country and Canada. It is also within the urban area, which would provide a wide range of housing, cultural, and recreational amenities to business executives and employees.



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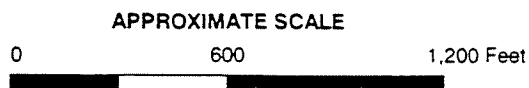


Figure 1-4 PROJECT PHASING

1. Description of the Proposed Action

Establishment of an open space/recreation zone around the Union Ship Canal would provide an additional opportunity for the public to access the waterfront and take advantage of one of the City's greatest assets, Lake Erie.

1.6.2 Residential/Commercial Mixed Use

A residential/commercial mixed use zone was not considered a reasonable alternative. It would be incompatible with surrounding land uses, including the Seneca Rail Yard on the east, NYS Route 5 on the west, and industrial park development on the south in the City of Lackawanna.

The City of Buffalo is actively pursuing new residential development elsewhere in the City. Residential development at the Union Ship Canal site would not be consistent with the City's intention for job growth and retention and taking advantage of excess existing infrastructure (e.g., roads and utilities) that previously supported a more intense heavy industry. Therefore, this alternative is not considered further in the GEIS.

1.6.3 Open Space

Comments 5 & 6:
"Alternatives other than the preferred alternative have not been given sufficient consideration...."

Open space recreational use is proposed along the Union Ship Canal. However, development of additional lands for open space use, similar to the Tifft Farm Nature Preserve, or for residential use, would not meet the city's needs to expand job creation and retention opportunities and return former industrial sites back into productive use that takes advantage of existing infrastructure. Development of the entire site for open space is not the highest and best use of the site and would not satisfy the development goals and economic needs of the City of Buffalo identified for this area in the Draft Comprehensive Plan, which is presently under preparation. The Plan specifies the Union Ship Canal District for reuse as an area of light industrial, manufacturing, preservation of the adjacent wetland areas, and utilization of the waterfront.

Several parcels of the site are privately owned. If these parcels were rezoned as "park/nature preserve," this could impact the beneficial use of private property and constitute a taking of the property if the development potential is inhibited. In addition, at this time, the City has no intention to acquire any of the privately owned properties.

Utilizing this area as a park/nature preserve presents the question of how to pay for long-term maintenance of the property in a community with a dwindling tax base.

1. Description of the Proposed Action

Comment 7: "A fourth alternative should be considered: develop the 275 acres as a park/nature preserve."

Park space/nature preserve uses at this site would direct new development to rural and suburban greenfield sites requiring potential displacement of farmland, habitats, wetlands and woodlands, and would require extensions of infrastructure systems. The resulting sprawl would have the opposite effect that is desired if the industrial development were to occur on vacant urban lands that are currently served by existing road networks and infrastructure.

Part of the proposed development consists of dedicating approximately 22 contiguous acres of land around the canal to open space (including amenities such as sidewalks and bicycle pathways). Furthermore, substantial compatible parklands presently exist in the immediate project area, as stated previously. In addition, the wetlands that are present within the 275 acres will remain as wetlands and will be further enhanced by maintaining a 100-foot buffer.

According to the City of Buffalo Draft Comprehensive Plan (2000), approximately 6% of the land area within South Buffalo is dedicated to parkland. The Plan further indicates that additional neighborhood parks and playgrounds could be considered in residential neighborhoods.

1.6.4 No-Action Alternative

Under the no-action alternative, the City would have to encourage development of the former industrial and railroad lands in the area of the Union Ship Canal for heavy industrial use only. It would remain a heavy industrial district under the City's Zoning Ordinance.

This alternative would not meet the City's purpose and need to better control the types of development that would be compatible and complementary within the entire 275-acre area and with public access to the waterfront. Although a lower zoning classification (e.g., M-1 Light Industrial or M-2 General Industrial) could be permitted in the M-3 zone, the City could not prevent a potentially incompatible use, such as an abrasives manufacturing plant, from being developed adjacent to a research laboratory. The City could not control the site layout, building design, lot size and landscaping, or other design standards to create a more community-based development.

The No-Action Alternative poses the potential for long-term adverse effects on the nearby and surrounding environment. If the Union Ship Canal is left as is, the property could remain vacant or

1. Description of the Proposed Action

non-tax producing. It could be developed with potential noxious uses, including heavy industry, as allowed under the current zoning. Trespassers have been noticed disposing of waste materials from building demolitions, adding to current environmental concerns and the future cost of cleanup.

Therefore, the no-action alternative was not considered the preferred alternative, and is not considered further in this GEIS.

The overall goals of the City are to create jobs, establish additional tax bases, and protect the environment. Utilizing the Union Ship Canal District for residential uses or maintaining it as is do not accomplish these goals.

The other alternatives (Open Space; Residential/Commercial Mixed Use) do not promote development of abandoned space in a manner that results in the most significant beneficial use for the City of Buffalo and follows the City's vision for the area. The need for economic development in South Buffalo and the redevelopment of vacant former industrial sites is an established goal identified for this area in the Comprehensive Land Use Plan.

1.7 Permits and Approvals

Comment 8:
"...statutory review/approval procedures and criteria apply {from other agencies}....regardless of determinations made under SEQR."

Amending the City's current zoning for the Union Ship Canal area, implementing design guidelines for 275 acres, and DDI's acquisition of up to 114 contiguous acres from the City of Buffalo will require certain reviews, approvals, and permits from various city, county, state, and federal agencies. Similarly, the development will involve public service improvements. Table 1-2 lists these permits and approvals and the authorizing agency for each. The lead agency determination under SEQR does not negate the necessity of providing for appropriate and applicable reviews as specified by local, state, and federal agencies.

Table 1-2 Proposed Interested and Involved Anticipated Agency Reviews and Approvals of the Development of the Proposed Union Ship Canal District

Agency		Permit/Approval
City of Buffalo		
Common Council		■ SEQR Lead Agency for GEIS ■ Zoning Amendment ■ Land Acquisition and Disposition ■ Funding and Potential Subdivision of Land
Planning Board		■ Review of city-wide site plan
Environmental Management Commission		■ Advisory role

1. Description of the Proposed Action

Table 1-2 Proposed Interested and Involved Anticipated Agency Reviews and Approvals of the Development of the Proposed Union Ship Canal District

Agency	Permit/Approval
Department of Permit and Inspection Services	■ Issuance of building permits ■ Issuance of certificate of occupancy
Department of Public Works	■ Street design and planning ■ Water connection
Buffalo Sewer Authority	■ Connections to existing and potential new infrastructure; funding approval
Buffalo Urban Renewal Agency	■ Funding approval
Buffalo Fire Department	■ Public safety review
Buffalo Police Department	■ Public safety review
Office of Strategic Initiatives – Planning Dept.	■ Advisory role
City of Lackawanna	
Department of Public Works	■ Roadway capacity review
County of Erie	
ECIDA	■ Bond inducements
Legislature	■ Approval of county funding arrangements
Department of Environment and Planning	■ Advisory review of GEIS
Division of Sewerage Management and Division of Water Authority	■ Approval of connections to existing infrastructure ■ Approval of potential subdivision of land ■ Funding approval
New York State	
Legislature	■ Approval of state funding arrangements
Empire State Development Corporation	■ Approval of funding
Governor’s Office of Regulatory Affairs	■ Approval of “Rebuild NOW New York” Application ■ Approval of funding ■ Advisory role
Department of State	■ Advisory role – Coastal Consistency
Department of Transportation	■ Approval of funding

Table 1-2 Proposed Interested and Involved Anticipated Agency Reviews and Approvals of the Development of the Proposed Union Ship Canal District

Agency	Permit/Approval
Department of Environmental Conservation	■ Review of site sewer plans ■ Issuance of applicable environmental permits: - Article 17 SPDES Permit for Stormwater Discharges - Article 24 Freshwater Wetlands - Article 15, Title 5, Protection of Waters - 401 Water Quality Certification/Joint Application ■ Approval of Voluntary Cleanup Program
Department of Health	■ Voluntary Cleanup Program
Office of Parks, Recreation, and Historic Preservation	■ NHPA Section 106 and 14.09 review
Natural Heritage Program	■ Threatened/Endangered Species Consultation
Federal	
Department of Housing and Urban Development	■ Approval of federal block grant money
Department of Interior	■ Joint Application (see State OPRHP)
Federal Highway Administration	■ Approval of funding
Department of Commerce (EDA)	■ Approval of funding
US Army Corp of Engineers	■ Joint Application (see State NYSDEC)
US Fish and Wildlife Service	■ Section 7 Consultation

Key:

OPRHP = Office of Parks, Recreation, and Historic Preservation.

1.8 Public and Agency Involvement in the Project

Public and agency involvement has been an integral component of the conceptual planning for development of the Union Ship Canal area and has continued throughout the preparation of this GEIS. Public and agency input will continue to be an important aspect of this project through completion of the Final Generic Environmental Impact Statement (FEIS). Public participation activities were conducted in accordance with SEQR (6NYCRR Part 617).

Over the past four years, informal workshops and formal scoping sessions were held to discuss development options for South

1. Description of the Proposed Action

Buffalo. The Union Ship Canal area was included in these discussions and ideas for development of that area were presented for discussion. These sessions involved local interest groups, regulatory agencies, development agencies, and city and county planning boards. Over the past year, the focus on developing the Union Ship Canal area has centered on a common goal to reuse brownfield properties within the City.

The scoping process for the Union Ship Canal area GEIS was initiated in October 2000 with the submittal of the Environmental Assessment Form (EAF) to Common Council for their designation as lead agency. In November 2000, involved and interested agencies were solicited to participate in the selection of the Common Council as lead agency.

Comments on the scope of issues to be addressed in the GEIS were solicited from the public at an open house/informational meeting held March 12, 2001. Agency comments were solicited through a series of informal meetings held at DDI offices, through distribution of scoping materials and project fact sheets that provided informational details including designation of lead agency status, project description, figures, and background information on the SEQR/CEQR process and through a formal agency scoping meeting on March 12, 2001. In addition, written comments were accepted until the end of the scoping period, March 26, 2001.

A notice of the scoping meeting was published in *The Buffalo News* and was sent directly to involved and interested government agencies, state legislators, and local municipalities. This notice provided a summary of the SEQR process, a project description, and a list of issues. Comments received during the scoping process were considered in the overall preparation of this report.

Included in this GEIS as Appendix B is a summary of the scoping meeting and written comments. Appendix B also includes the "Notice of Public EIS Scoping Session," the scoping agenda and background information, a list of all involved and interested agencies, the scoping meeting attendance sheets, scoping meeting summary, and all comments received.

The main issues of concern that were discussed at the scoping meetings and provided in subsequent written comments are presented in Table 1-3.

1. Description of the Proposed Action

Table 1-3 Issues of Concern, Union Ship Canal District

Subject	Issue	Section in GEIS where addressed
Proposed Action	Provide a road map for the process for guiding development; what specific actions are to be undertaken, and by who, should be identified, where possible.	1.2
Permits and Approvals	Indicate the other NYSDEC permit approvals that will be applicable to development of this area.	1.6
Land Use	Address how this project relates to development of businesses failing along South Park. Will Economic Development Zones help with local ailing businesses?	3.1
	Determine consistency with coastal zone management and local waterfront revitalization plans.	3.1
	Address the need for regional planning	3.1
Site Environmental Conditions	Address concern for environmental conditions due to past industrial use	3.2
	Provide a discussion of how the conditions associated with the past industrial use of the site will be remediated	3.2
	Include a discussion of how development of the areas not currently undergoing remediation will be addressed under SEQR when/if future investigation requires more restrictions on zoning.	3.2
	Provide explanation regarding the required level of cleanup and why it would not accommodate uses including residential or daycares.	3.2
Socioeconomic Conditions	Discuss the economic feasibility of the proposed development.	3.3
	Provide details regarding the building cost s	3.3
Traffic and Transportation	Assess the existing traffic conditions and roadway capacity for anticipated increase in traffic volume on local streets and highways.	3.4
Utilities and Infrastructure Impacts	Discuss the capacity of the existing infrastructure and the anticipated volume flows.	3.6
	Address the potential negative impacts associated with the proposed development.	3.6
	Establish the maximum build-out thresholds for development in the GEIS.	3.6

As required by the SEQR/CEQR process, the issues identified during scoping are the primary focus of the GEIS. In conjunction with the review of this GEIS by the public and involved and

1. Description of the Proposed Action

interested agencies, a duly publicized public hearing will be held. This hearing will be organized and public notices published in accordance with SEQR/CEQR requirements.

2

Environmental Setting

This section describes the existing environment of the proposed Union Ship Canal District, and surroundings, where appropriate, that could be impacted by implementation of the proposed action. The descriptions are based on site visits, discussions with local government agencies with potential jurisdiction or interests in components of the proposed action, and a review of past studies and reports relevant to the project.

2.1 Land Use and Zoning

2.1.1 Land Use

The proposed Union Ship Canal District is located within South Buffalo's historic industrial area. From the shore of Lake Erie south of the Buffalo River east to Hopkins Street and south to the Buffalo City line, portions of this section of the City have long been home to heavy steel-making companies and related supporting industries.

The area proposed as the Union Ship Canal District is located along the Lake Erie waterfront in South Buffalo. It is roughly bounded by Tifft Street to the north, the Seneca Rail Yard to the east, the city line of Buffalo and Lackawanna to the south, and NYS Route 5 to the west. The area currently consists of vacant industrial land, a rail corridor, the Union Ship Canal, and wetland areas. The portion of the property owned by the city has been vacant since 1980 and, therefore, provides no productive use (e.g., employment and tax base). Figure 2-1 shows land use in the project area. Pictures of the Union Ship Canal District area are presented in Section 2.12 Urban Design and Visual Resources.

Much of the land use surrounding the proposed Union Ship Canal District is vacant and industrial. The railroad corridor and vacant industrial land extends east to Hopkins Street, which has a mix of primarily residential and commercial land uses. Adjacent to the south of the proposed district in the City of Lackawanna is the

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Comment 9:
“...environmental setting does not mention the New Village Industrial Park, Gateway Trade Center, or traffic from Commerce Drive.”

42-acre New Village Industrial Park. South Park is located south-east of the site, east of the railroad corridor. Land uses west of NYS Route 5 are industrial and vacant to the Lake Erie shoreline. North of the proposed district, across Tiff Street, is recreational land use, including the George J. Hartman Playfield and Tiff Farm Nature Preserve, which was developed from a former industrial site.

2.1.2 Current Zoning

The majority of the project area is currently zoned as M-3, heavy industrial. The areas near the border of the site transition to general and light industrial districts (M-2 and M-1). Industrial activities considered the most intensive are allowed in the M-3 district, with more restricted industrial uses permitted in the M-2 and M-1 districts (City of Buffalo Zoning Ordinance, Chapter 511).

2.1.3 Local Plans and Programs

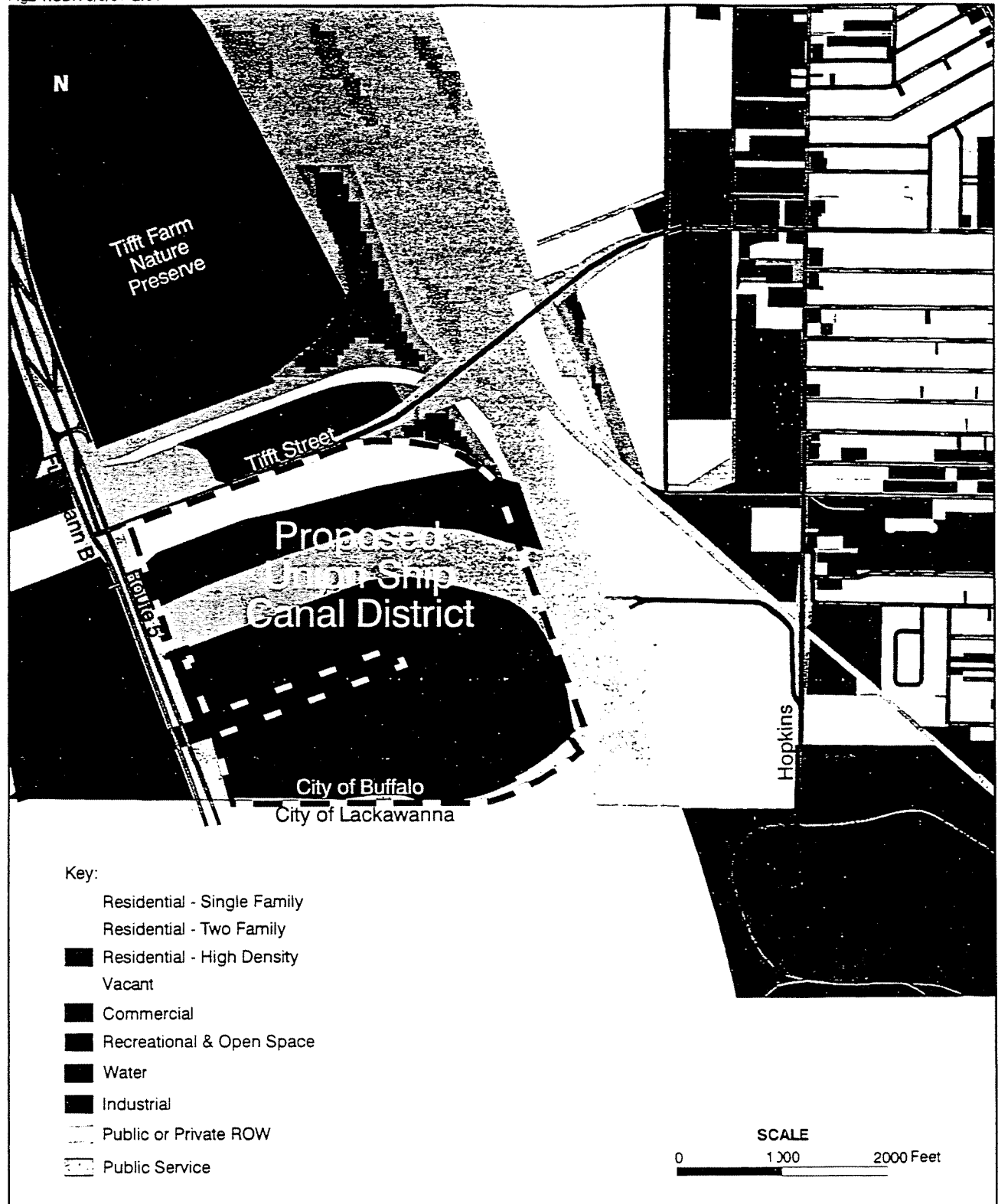
City of Buffalo Comprehensive Plan

The City of Buffalo is currently preparing a Comprehensive Plan for development in the city. During the initial phases of the planning process, the city conducted a city-wide land-use needs assessment that considered the mixture of residential, commercial, industrial land uses, and parkland for the projected population in the city based on standard percentages. The assessment demonstrated the amount of land dedicated to residential and commercial use exceeds the amount needed for the projected population of Buffalo, while the city has a shortage of industrial land, and parkland (peter j. smith & company 2001).

Comment 10:
“....Why are we adding more commercial land and reducing the amount of M-3 zoned property?”

The rezoning of the Union Ship Canal District for commercial use today differs from how the City's 1950 zoning ordinance defined commercial use or M-3: M-3 zoned property allows for uses not compatible with adjacent and surrounding land uses (e.g., noxious uses such as junk yards). The City's Comprehensive Plan refers to commercial uses that are typically small lots for gas service stations, dry cleaners, restaurants, convenience stores, and miscellaneous health facilities. Large-lot development is the purpose of the proposed action, which is what is identified as needed in the City. Clean, modern, environmentally friendly industries are sought by the City.

In the initial phases of the planning process, the City conducted an inventory of the existing conditions in 12 identified Planning Communities, prepared city-wide goals, objectives and policies,



Source: City of Buffalo Parcel Classification Codes

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Figure 2-1 LAND USE

2. Environmental Setting

and, based on community input, developed action items for each of the Planning Communities.

The proposed Union Ship Canal District is located at the southwest edge of the South Buffalo Planning Community, adjacent to the Buffalo River Planning Community. While South Buffalo is largely a residential district, the Buffalo River Planning Community is identified with the industrial uses along the Buffalo River and extending south to Tiffit Street along the Lake Erie waterfront. The Buffalo River Planning Community is 36% vacant land and 16% active industrial land; the South Buffalo Planning Community is 21% vacant land and 4% active industrial land (peter j. smith & company 2001).

Coastal Zone Management Program

The New York State Department of State (NYSDOS) Division of Coastal Resources is responsible for administering New York State's Coastal Management Program (CMP). The program was adopted in 1982 under the Federal Coastal Zone Management Act. The purpose of the state's Coastal Management Program is to protect the natural coastal resources while advancing economic development opportunities.

Under the program, projects and activities are reviewed for consistency with the 44 policies established by the CMP, as well as any approved Local Waterfront Revitalization Programs (LWRPs). The LWRP provides a framework for future land uses in designated coastal zones and establishes policies targeted toward development of the coastal area in a manner consistent with applicable state policies.

The Union Ship Canal area is located within the state's established coastal zone boundary. However, the City of Buffalo is currently developing its LWRP, which is expected to be adopted within the year. In absence of an approved LWRP, development within the coastal zone boundary must comply with applicable New York State policies as outlined in the CMP.

In addition to being located within the boundary of the state's CMP, the Union Ship Canal area is also located within the Buffalo Coastal Special Review District (BCSRD) established by Chapter 511, Article XVI, Section 511-67 of the City of Buffalo Zoning Ordinance, which controls development in coastal areas. The special review district requires, with the exception of certain uses, that the Common Council issue a restricted use permit prior to the

2. Environmental Setting

establishment of uses within the district. The BCSR D also establishes height restrictions for uses planned within the district.

2.2 Site Environmental Conditions

NYSDEC has identified one inactive hazardous waste site within the proposed Union Ship Canal District:

- Shenango Steel Mold– NYSDEC Site 915172, Class 2.

This site was classified by NYSDEC based on previous site investigations. NYSDEC Class 2 applies to sites where some action is required. Figure 2-2 of the Draft GEIS shows the locations of the Shenango Steel Mold site and other currently listed inactive hazardous waste sites located in proximity to the project area. The discussions presented here include sites that have since been delisted but are the focus of the Voluntary Cleanup Agreement (VCA).

Shenango Steel Mold is located northeast of the Union Ship Canal slip. Past investigations indicated surface soils and groundwater contain PCBs at elevated levels. Remedial action involved removing drums, building foundation rubble, and soil containing polychlorinated biphenyls (PCBs). A site remedial investigation, initiated in 2000, found evidence of elevated levels of PCBs remaining in the site soils. A feasibility study of remedial alternatives to address the remaining contamination is being performed by NYSDEC and is expected to be completed in February 2002.

Hanna Furnace/Former Railroad Yard

The Hanna Furnace/Former Railroad Yard has undergone a series of investigations and was delisted on September 13, 1997. The most recent study was conducted in February 2000 at the Former Railroad Yard, located south of the canal. This investigation is to serve as the basis for the voluntary cleanup agreement (VCA) with NYSDEC and the property owners, the City of Buffalo. Results of the recent investigation indicate that volatile organic compounds (VOCs) and PCBs were not detected in the subsurface soil and fill material samples collected in the eastern portion of the railyard. Metals and polycyclic aromatic hydrocarbons (PAHs) were detected at concentrations exceeding NYSDEC soil cleanup guidelines (NYSDEC Technical Advisory Guidance Manual 4046). An inventory of debris piles was conducted and results indicate that the majority of the piles contain construction and demolition debris. However, some PAHs and metals were detected at levels exceeding soil cleanup guidelines. Groundwater analyses indicate that elevated levels of metals exist and are most likely due to the



Figure 2-2 NYSDEC-LISTED INACTIVE HAZARDOUS WASTE SITES
WITHIN THE PROJECT AREA

presence of the fill material rather than contaminants in the subsurface. Recommendations provided as a result of the investigation indicate that the parcel is suitable for development as a commercial/light industrial park provided that certain precautions are taken to limit exposure to the metals and PAHs present in the on-site fill material. Specific precautions are detailed in the "Supplementary Investigation Report, Hanna Furnace Site/The Former Railroad Yard Area," prepared by Malcolm Pirnie, July 2000.

Union Ship Canal

The Union Ship Canal slip was investigated for purposes of supporting the delisting of Hanna Furnace. The canal was considered part of the Hanna Furnace site (D. Locey, NYSDEC, June 2001).

Additional waste sites in proximity to the project area include the following:

- Republic Steel (LTV) (Marilla Street Landfill) – NYSDEC Site 915047, Class 2; anticipating a reclassification to Class 4 within the next four to six months (D. Locey, NYSDEC, June 2001).
- Alltift Landfill – NYSDEC Site 915054, Class 2;
- Donner Hanna Coke – NYSDEC Site 915017, Class 3 (D. Locey, NYSDEC, June 2001);
- Lehigh Valley Railroad – NYSDEC Site 915071, Class 2 (NYSDEC 1999); and
- Bethlehem Steel – NYSDEC Site 915009, Class 2.

The **Alltift Landfill** is located 0.75 mile northeast of the north border of the proposed Union Ship Canal District. According to the April 1999 NYSDEC Registry, a remedial design is currently under preparation. The recommendations for remediation consist of capping the waste, waste consolidation, wetland restoration, and groundwater collection. The city is seeking closure of the Alltift Landfill such that it is consistent with current zoning and available for limited development for passive recreational uses.

Republic Steel (LTV) (Marilla Street Landfill) consists of 80 acres of landfill and 16 acres of wetlands and is located approximately 0.5 mile southeast of the proposed Union Ship Canal District. Remediation of the wetlands occurred from 1996 to 1999 and

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the landfill was capped between 1989 and 1993. The site is now being monitored under a long-term site operation, maintenance, and monitoring program. In addition, enhancement of the upland wetlands and restoration of the remediated wetlands took place as part of the remedial action.

Donner Hanna Coke is located 0.75 mile northeast of the north border of the proposed Union Ship Canal District, north of Tiffit Street and east of the railroad tracks. The site was originally used for the storage of processed coke from the adjacent production plant. This site is included as part of a 213-acre Voluntary Cleanup Program by LTV Steel and Donner Hanna Coke production facilities. Significant contamination has been detected on all properties, consisting of petroleum products, tars, and various metal contamination.

This site was reclassified to a NYSDEC designation indicating that additional investigation is warranted, however it does not pose an imminent threat to the environment or public health.

The **Lehigh Valley Railroad** is situated 0.6 mile northeast of the Union Ship Canal area. Residual hazardous waste remains on the site precluding a change in land use from industrial to recreational or residential. Recommendations stated in the April 1999 NYSDEC Registry indicate that appropriate measures for encountering stained and oil-soaked soils are required for any intended new use. Any changes in land use from industrial to recreational or residential must take appropriate measures for any intended new use. A small pocket of hazardous waste, discovered during the construction of wetlands in 1996, is anticipated to be remediated by the fall of 2001.

Bethlehem Steel is located adjacent to the project area, west of NYS Route 5. Numerous investigations of this site have occurred since February 1990, when the company entered into a Consent Order with EPA. Current assessment of the site indicates that additional monitoring and a hydrogeological study is underway to determine any environmental problems associated with existing soils and groundwater (NYSDEC April 1999 Registry).

2.3 Socioeconomic Conditions

2.3.1 Population

The population of the City of Buffalo in 1990 was 328,123. 2000 Census data for the City of Buffalo indicates that the population decreased by 11% to 292,648. Population projections indicate that

the city's population will further decline to 274,000 by the year 2010.

2.3.2 Economy, Employment, and Income

Regional employment statistics illustrate that the Buffalo region is primarily a service-based economy with 31% of jobs in Erie County falling within the service industries (see Table 2-1). As shown on Table 2-1, the civilian labor force in Erie County has grown slightly less than 10% in the last 20 years. Manufacturing has declined significantly, with growth primarily occurring in the wholesale and retail trade; finance, insurance, and real estate industries; and the services industries.

Table 2-1 Employment Sectors – Erie County (1979-1999)

Industry	1979	1989	1999
Manufacturing	109,511	76,357	68,211
Construction	14,909	17,176	16,868
Transportation and public utilities	20,984	19,742	20,070
Wholesale and retail trade	98,390	113,122	108,297
Finance, insurance and real estate	19,464	27,298	28,016
Services	78,985	116,058	139,752
Other private industries	2,493	3,018	3,355
Government	71,441	72,181	71,704
Total	416,177	444,952	456,273

Source: New York State Department of Labor 2001a

The civilian labor force for the entire Buffalo-Niagara Falls Metropolitan Statistical Area (MSA) has declined over the last 20 years. In 1980 the civilian labor force was 571,500, with a 9.7% unemployment rate. By 1990, the civilian labor force had increased to 591,000, with a 5.2% unemployment rate. In 2000 the civilian labor force had declined below the 1980 levels to 557,400, with a 5.0% rate of unemployment (New York State Department of Labor 2001b).

Nine of the city's major employers (more than 500 employees each) are hospitals or other health-care related industries (see Table 2-2). The City's three largest universities, the State of New York University (SUNY) at Buffalo South Campus, Buffalo State College, and Canisius College, are also among the City's top employers. American Axle, American Brass, Gibraltar Steel, and Rich Products are major manufacturers in the City of Buffalo.



Table 2-2 Major Employers

Employer	Employees
Buffalo General Hospital	3,607
Erie County Medical Center	2,510
Gates Circle Millard Fillmore Hospital	2,500
Intercontinental Branded Apparel	2,400
Sisters of Charity Hospital	2,191
University of Buffalo South Campus	2,050
Children's Hospital of Buffalo	1,922
Roswell Park Cancer Institute	1,899
American Axle Plant	1,850
Veterans Administration Medical Center	1,784
Mercy Hospital	1,697
Buffalo State College	1,322
Blue Cross	900
American Brass Company	874
Canisius College	826
Gibraltar Steel Co.	650
Rich Products Corp.	600
Westwood Squibb Pharmaceuticals	550
Great Lakes Collection Bureau, Inc.	520

Source: peter j. smith 2001

Four business sectors experiencing growth in the Buffalo Niagara area are medical research and medical products; professional support centers; logistics, distribution, and trade; and technology intensive manufacturing (Buffalo Niagara Enterprise 2001a). The City of Buffalo is promoting the High Street Medical Corridor for growth in the medical research and medical products area. The Medical Corridor is anchored by Buffalo General Hospital and Roswell Park Cancer Institute. However, much of the growth in business is occurring in more suburban locations where office parks and other industrial land has been zoned to facilitate business recruitment. During the first quarter of 2001, several new businesses located their offices in Western New York and invested in suburban locations, including First Data Corporation, a global payment services company (Amherst), NCO Financial System, an account receivables management company (Amherst), Fairview Fittings & Manufacturing, an autoparts assembler (Wheatfield), Lam Pharmaceutical, a Toronto-based research and development laboratory (Lewiston), Westroc, Inc., a Canadian manufacturer of gypsum wallboard and related products (Somerset), and Dynabrade, a portable air tool manufacturer (Clarence) (Buffalo Niagara Enterprise 2001b). While growth in the region supports a re-

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gional workforce, the City of Buffalo needs to expand the tax base that supports the services provided by the city.

Many of the city's existing employers continue to invest in their facilities and operations, including HSBC Bank USA, Westwood Squibb Pharmaceuticals, and Adelphia Communications. However, a diversified economy, which supports existing employers and recruits new business investment, creates a stronger economy over the long-term and insulates the local workforce during any economic downturns in segments of the economy (Institute for Local Governance and Regional Growth 2001).

The City of Buffalo is targeting growth in the industries that will support high-salary, skilled workers. Average annual salaries in Erie County by industry are shown in Table 2-3.

**Table 2-3 Average Annual Salary by Industry
Erie County, 1999**

Industry	Average Annual Salary (\$)
Manufacturing	\$ 45,722
Construction	\$ 35,857
Transportation and public utilities	\$ 38,003
Wholesale and retail trade	\$ 19,583
Finance, insurance, and real estate	\$ 38,562
Services	\$ 25,593
Other private industries	\$ 20,641
Government	\$ 36,470

Source: New York State Department of Labor 2001c.

Industries with the highest annual salaries include manufacturing, transportation, public utilities, finance, insurance, and real estate.

The average household income in the City of Buffalo in 1990 was \$24,803, 26% of persons living in the City of Buffalo were considered to be living below the poverty level.

The South Buffalo Planning Community contains a New York State Empire Zone along the Community's southwest border. The New York State Empire Zone Program is intended to stimulate economic growth and development in targeted areas. Various benefits, including tax credits, reduced utility rates, low-interest loans, and aid from state agencies, aim to support and encourage expansion of current businesses and attract new businesses to the zone.

2.3.3 Taxes and Revenues

The City of Buffalo's total budget for fiscal year 2000-2001 is \$380 million. This includes all of the revenues and resources that the City will take in and pay out during the fiscal year. It also includes all interfund transfer payments made by and to the City of Buffalo (e.g., \$66 million transferred to the Buffalo Board of Education, \$26 million transferred to the City's capital debt service, \$3.4 million paid to the City of Buffalo by the local water system provider). The City's General Fund Budget (the total budget less all interfund transfer payments) for 2000-2001 is \$288 million.

The City's General Fund appropriations are distributed largely to police services (25%). Other major City appropriations include salary and fringe benefits to city employees (22%), fire services (18%), public works, parks, and streets services (11%), general charges (11%), other City department services (8%), administration and finance (3%), and community services (2%).

The primary revenue source for the City of Buffalo is property tax, which in 2000-2001 is projected to be \$128 million. Other major sources of revenue for the City's General Budget Fund include licenses and fees (\$3 million), intergovernmental revenue (\$187 million), and service charges (\$10 million).

The proposed Union Ship Canal District includes publicly and privately owned parcels. Parcels that are owned by private entities generate revenue for the City of Buffalo through property and utility taxes.

In 2000 the City of Buffalo collected approximately \$23,000 in property taxes from owners of property in the proposed Union Ship Canal District. The property owned by the City of Buffalo was acquired in 1997 due to failure of payment for taxes. An additional \$668,000 is owed the city in back taxes in the proposed district (City of Buffalo Assessment Department 2001).

2.4 Traffic and Transportation

The proposed Union Ship Canal District is accessible by a network of regional highways, local roadways, and railroad. Pedestrian access and boat access is limited.

Regional Roadways

Major regional routes serving this area via local roadways include Interstate (I) 190, a north/south arterial that connects the City of Buffalo to I-90 (south) and the Canadian border (north). Primary

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border crossings include the Peace Bridge, the Rainbow Bridge, and the Lewiston-Queenston Bridge, all accessible from I-190. I-90 is the major east/west interstate that crosses New York State, connecting to other components of the National Highway System.

Local Roadways

Local roadways in the vicinity of the proposed Union Ship Canal District include Tifft Street to the north, NYS Route 5/Fuhrmann Boulevard to the west, and Ridge Road to the south. The proposed Union Ship Canal District is not currently developed for vehicular access.

Roadways in the vicinity of the proposed Union Ship Canal District have the following physical characteristics:

- **NYS Route 5.** NYS Route 5 extends from I-190 north and south along the Lake Erie shoreline to the Pennsylvania state line. In the vicinity of the proposed Union Ship Canal District, it is a four-lane limited access highway with a posted speed limit of 55 mph. NYS Route 5 is accessible from Tifft Street and Ridge Road.
- **Fuhrmann Boulevard.** Fuhrmann Boulevard parallels NYS Route 5 along the Buffalo Harbor, south into the City of Lackawanna, where it joins NYS Route 5 south of Ridge Road. This roadway is a four-lane city street with a posted speed limit of 30 mph.
- **Tifft Street.** Tifft Street is classified as a minor arterial. It has four lanes between Fuhrmann Boulevard and Hopkins Street. Pavement width is 44 feet and the posted speed limit is 30 mph.
- **Ridge Road.** Ridge Road is classified as a minor arterial. The segment from Fuhrmann Boulevard to South Park Avenue has four lanes. Pavement width is 48 feet and the speed limit of the segment is 30 mph.

Comment 13: "Access to the project area is not discussed with relevance to severe winter blizzard conditions."

While the roadways discussed above (with the exception of NYS Route 5) currently do not directly service the Union Ship Canal District, these ancillary roadways would be accessed as alternative routes during winter blizzard conditions. Businesses located along NYS Route 5 have been well serviced by these roadways as alternative snow routes.

Existing Traffic Conditions

Average annual daily traffic volumes for selected roadway segments in the vicinity of the proposed Union Ship Canal District were obtained from the Greater Buffalo Niagara Regional Transportation Committee and the City of Buffalo Department of Public Works. A Level of Service (LOS) for the roadways was calculated to indicate the ease with which vehicular trips travel over these roadway segments. A LOS is a qualitative condition that is measured in terms of roadway capacity. LOS A represents the best operating condition while LOS F represents the worst operating condition (e.g., traffic gridlock). LOS C represents operating conditions that are manageable, however, are typical of peak-hour operating conditions on roadways that are otherwise rated as LOS A. Table 2-4 provides the Average Annual Daily Traffic (AADT), roadway capacity, and LOS for the major roadway segments in the immediate vicinity of the proposed Union Ship Canal District.

Table 2-4 AADT, Roadway Capacity, and LOS for Major Roadway Segments

Roadway	Major Roadway Segment	Roadway Classification	AADT	Roadway Capacity	LOS
Tiftt Street	Fuhrmann to Hopkins	Minor Arterial	12,300	29,000-32,500	A-C
NYS Route 5	Buffalo City Line to Tiftt	Expressway	38,300	52,600-62,600	A-C
	Ridge to Buffalo City Line	Expressway	39,100	52,600-62,600	A-C
Ridge Road	Route 5 to South Park	Minor Arterial	10,200	14,500-16,250	A-C

Source: GBNRTC 2001.

Comments 11 & 12:
"Explain the level of service (LOS) categories for the roadways. The LOS for I-190 is listed as deficient."

A comparison of the AADT volumes for the roadway segments in the vicinity of the Union Ship Canal area to the established roadway capacity numbers for each of the segments indicates that all roads in the project area are currently operating under capacity. LOS ratings for all segments fall within the A-C range, the best roadway operating conditions. A LOS of A would be typical during non-peak hours (the lower rating in the roadway capacity range), and an LOS of C (the higher rating in the roadway capacity range) would occur during morning and evening rush hours.

Several designated truck routes are located in the vicinity of the Union Ship Canal area including South Park Avenue and Hopkins Street to the east and NYS Route 5 to the west. The proposed Union Ship Canal District is within a designated "unrestricted area" allowing trucks to travel with up to 80,000-lb loads without obtaining a special permit (City of Buffalo 1951).

Planned Roadway Improvements

According to the New York State Department of Transportation's Statewide Transportation Improvement Program (STIP), with ex-

Comment 14: "The success of the development of the Union Ship Canal depends upon the building of the Southtowns Connector."

ception of some bridge rehabilitation work on Ridge Road in Lackawanna, there are no major roadway improvement projects planned in the general vicinity of the Union Ship Canal area that would occur between October 1, 1999, and September 30, 2002.

Recently, prior discussions of building a roadway that connects the southtown communities with the city of Buffalo (i.e., the "Southtowns Connector") have been started again. Various alternative routes have been studied, including one that would traverse the Union Ship Canal District. The success of developing the Union Ship Canal District is not dependent on building the Southtowns Connector. Local roadways will provide adequate access to this area. Internal roadways will further transport vehicles within the development area. At present, the existing transportation network is capable of accommodating project needs.

Pedestrian Access

The project area offers no formal pedestrian access. There are no sidewalks around or through the project area. Although there is no pedestrian access, signs of unauthorized pedestrian use are evident and the abandoned buildings and waste piles present unsafe conditions.

Railroad Access

The Seneca Rail Yard is located on the eastern edge of the proposed Union Ship Canal District. It is part of the third largest railroad corridor in the country, and is currently used by seven railroad transportation companies, including CSX, Norfolk-Southern, South Buffalo Railroad and Buffalo Pittsburgh. CSX owns the railroad spur that crosses the project site.

Water Access

The Union Ship Canal was a deep-water port that connects to Lake Erie. However, since the Father Baker Bridge was removed and NYS Route 5 lowered over the Union Ship Canal, only pleasure craft can access the proposed Union Ship Canal District.

2.5 Community Services

The City of Buffalo and Union Ship Canal area are served by a full compliment of community facilities and services. Police and fire protection in the proposed project area are described below.

2.5.1 Emergency Services

Police and fire services are provided primarily by the City of Buffalo. Primary jurisdiction is provided by the city with backup services, as necessary, from the Erie County Sheriff's Department

and the New York State Police Department. The project area is located within the jurisdictions of the Buffalo Police Department (PD) District A, Sector 4, and the Lackawanna Police Department. The Buffalo PD District A station is located on South Park Avenue and the Lackawanna PD maintains its headquarters on Ridge Road. Fire protection is provided primarily by the City of Buffalo Fire Department's 6th Battalion. The Engine 10 Firehouse is located on Ganson Street. Lackawanna also provides fire protection to the Union Ship Canal area with the closest fire house located at the western end of Ridge Road. The City of Buffalo Fire Department maintains a mutual aid agreement with the City of Lackawanna for emergencies occurring at or near the Union Ship Canal area.

2.5.2 Medical Services

Within the City of Buffalo, 14 major hospitals provide primary health care and related services. Mercy Hospital is located approximately 0.9 mile to the east of the project area and employs a staff of 1,600. In the City of Lackawanna, Our Lady of Victory Hospital is located 0.1 mile from the southern boundary of the project area, however, it was recently downgraded from hospital status to critical care unit.

All hospitals in Buffalo are part of the Emergency Medical Services program of Erie County. Within the Emergency Services Department of Erie County, the Emergency Medical Services Division maintains a 24-hour medical emergency radio system. Ambulances are assigned a radio frequency during any medical emergency, and the Emergency Medical Services Division monitors the status of all ambulances, medical emergencies, and emergency rooms to ensure proper and expedient delivery and treatment of all medical emergencies.

2.6 Utilities and Infrastructure

There is no current utility service to the Union Ship Canal area, however, the South Buffalo Planning Community is served by all major utilities including electric, gas, water, sanitary and storm sewers, and telephone lines. The municipal water system and sewer system is operated by public authorities and the remaining utility services are supplied by private companies. Utility service and infrastructure that exists adjacent to the project area is addressed in the subsections below. Figure 3-1 of Section 3 shows existing utility locations and proposed tie-in locations for service to the Union Ship Canal District.

Comment 15: "Identify where infrastructure exists today and where connections can be made." (Also refer to Section 3.6.)

2.6.1 Water Supply

The City of Buffalo operates and maintains the water supply under contract with the Water Board, the owner of the system. Lake Erie serves as the sole source of water for the system with a water intake at the Colonel Ward Water Treatment Plant located approximately 2 miles north at the mouth of the Niagara River. The system has a total capacity of 160 million gallons per day (mgd); the average city-wide water consumption is 90 mgd.

Most of the water lines in the system were installed prior to 1930. A 16-inch water line exists on the west side of Route 5. While the water system is described as "generally adequate" by the City of Buffalo, continued repair and upgrading of the system is necessary.

The Lackawanna water supply is the Erie County Water Authority. The source of water for this system is also Lake Erie. Water is treated in this system at the Sturgeon Point and Van de Water treatment plants, which are located in the Town of Evans and on the upper Niagara River in Tonawanda, respectively, with a total system capacity of 140 mgd.

2.6.2 Sanitary and Storm Sewer System

The Buffalo Sewer Authority operates and maintains the City's sanitary and storm sewer systems at its treatment plant located on Squaw Island, approximately 6 miles north along the Buffalo River. The South Buffalo pumping station is located at the Buffalo River and Cazenovia Creek junction, north of the project area. The system's average maximum treatment capacity is 180 mgd. This increases to 360 mgd during maximum wet weather conditions. City-wide wastewater treatment loads average 165 mgd. Excess capacity currently exists throughout South Buffalo.

Similar to the city water system, most of the sanitary and storm sewer lines associated with the sewer system are old (93% of all sanitary storm sewers were installed before 1941). The City has committed to continued upgrade and repair sewer lines to maintain the overall adequacy of the city sewer system.

The City of Lackawanna is served by Erie County Sewer District Number 6. The District 6 treatment plant is located on Lehigh Avenue, south of the Union Ship Canal area. This plant has a total treatment capacity of 4.5 mgd and an average daily load of 2.2 mgd. The District 6 plant was designed to treat residential sewerage and does not treat industrial effluent well (Krug 1999).

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In South Buffalo, sanitary and storm sewers are predominantly combined.

2.6.3 Solid Waste

The refuse collection system in the City of Buffalo is managed by the Department of Streets and Sanitation. Municipal solid wastes are collected by city personnel and deposited at one of two transfer stations. Non-recyclable waste is taken by private hauler to a waste-to-energy facility in Niagara Falls or disposed at a solid waste landfill.

In Lackawanna, solid waste is handled by the City of Lackawanna Sanitation Bureau. Municipal solid wastes are collected and transported to the Waste Services, Inc., transfer station in Blasdell, New York.

2.6.4 Energy

Niagara Mohawk Power Corporation supplies electricity to the City of Buffalo and the City of Lackawanna. Electricity for most industrial and commercial uses is supplied by two steam-generating plants and residential electric demands are supplied from the state-owned hydroelectric generating facilities in Niagara Falls, New York. The Niagara Mohawk system has a total capacity of over 7.5 million kilowatts (Niagara Mohawk 1999).

Natural gas is provided to the project area by the National Fuel Gas Supply Company (National). The distribution system in the vicinity of the project area consists of a 16-inch line that extends north between Commerce Drive and NYS Route 5.

2.7 Air Quality

USEPA, under the requirements of the 1970 Clean Air Act (CAA), as amended in 1977 and 1990, has established National Ambient Air Quality Standards (NAAQS) for six air contaminants, referred to as criteria pollutants (40 CFR 50). These are carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), particulate matter less than 10 microns in diameter (PM₁₀), lead (Pb), and sulfur dioxide (SO₂). The NAAQS include primary and secondary standards. The primary standards are levels sufficient to protect public health with an adequate margin of safety. The secondary standards are levels sufficient to protect the public welfare from the adverse effects associated with pollutants in the ambient air. The primary and secondary standards are presented in Table 2-5.

Table 2-5 National and New York State Ambient Air Quality Standards

Pollutant and Average Time	Primary Standard ¹	Secondary Standard ¹
Carbon Monoxide		
1-Hour Maximum	40,000 (35 ppm) ²	40,000 (35 ppm) ²
8-Hour Maximum	10,000 (9 ppm) ²	10,000 (9 ppm) ²
Nitrogen Dioxide		
Annual Arithmetic Mean	100	100
Ozone		
1-hour Maximum	0.12 ppm ³	0.12 ppm ³
Particulate Matter		
PM ₁₀ ⁶		
24-Hour Maximum	150 ⁴	150 ⁴
Annual Arithmetic Mean	50	50
TSP (New York State only)		
24-Hour Maximum	250	---
Annual Arithmetic Mean	75	---
Lead		
Quarterly Arithmetic Mean	1.5 ⁵	1.5 ⁵
Sulfur Dioxide		
3-Hour Maximum		1300
24-Hour Maximum	365 ²	---
Annual Arithmetic Mean	80 ²	---

Notes:

1. All concentrations in micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$) or, except where noted, in parts per million (ppm).
2. Not to be exceeded more than once a year.
3. Expected number of exceedances shall not be more than once per year (3-year average).
4. Standard attained when annual highest 99th percentile of 24-hour concentration over 3 years is below 150 mg/m^3 .
5. The quarterly lead standard is not to be exceeded during any calendar quarter.
6. PM₁₀ - particulate matter with diameter of 10 microns or less.

Source: 40 CFR 50 (USEPA, 1993)

The CAA requires USEPA to review scientific data every five years to ensure that the NAAQS effectively protect public health. On July 18, 1997, USEPA proposed a new standard for particulate matter. The standard for PM₁₀ remains essentially unchanged, while a new standard for fine particles (PM_{2.5}: particulate matter with diameter of 2.5 microns or less) was proposed with an annual limit of 15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and a 24-hour limit of 65 $\mu\text{g}/\text{m}^3$.

USEPA has recently enacted a more stringent standard for ozone, which updated the ozone standard from 0.12 parts per million measured over one hour to a standard of 0.08 ppm measured over eight hours, with the average fourth-highest concentration over a

three-year period to determine whether or not an area is in compliance.

NYSDEC has adopted the USEPA NAAQS as the state-wide ambient air quality standards. When the USEPA amended the standard for particulate matter and changed the regulated pollutants from Total Suspended Particulate (TSP) to PM₁₀, the NYSDEC adopted the PM₁₀ standard but continued to use both PM₁₀ and TSP as monitoring indicators for the levels of particulate matter. Therefore, the NYSDEC ambient air quality standards include all of the NAAQS, plus a standard for TSP.

NYSDEC maintains an air-quality monitoring-station network to continuously monitor the criteria air pollutants and other air toxins through out New York State. The most recent available air quality monitoring results from monitoring sites near the project site or are most representative of the project site are listed in Table 2-6.

Table 2-6 Existing Air Quality Monitoring Data

Pollutants	Monitoring Station	Averaging Period	Concentration
Sulfur Dioxide	Buffalo	Annual	0.007 ppm (0.03 ppm)
		3 hour	0.061 ppm (0.5 ppm)
		24 hour	0.020 ppm (0.14 ppm)
Inhalable Particulates (PM ₁₀)	Buffalo	Annual	22 µg/m ³ (50 µg/m ³)
		24 hour	51 µg/m ³ (150 µg/m ³)
TSP	Buffalo	Annual	35 mg/m ³ (75 µg/m ³)
		24 hour	89 mg/m ³ (250 µg/m ³)
Ozone	Amherst	1 hour	0.028 ppm (0.12 ppm)
Lead	Buffalo	Quarterly	0.04 µg/m ³ (1.5 µg/m ³)
Carbon Monoxide	Buffalo	1 hour	5.6 ppm (35 ppm)
		8 hour	3.7 ppm (9 ppm)
Nitrogen Dioxide	Buffalo	Annual	0.021 ppm (0.05 ppm)

Note: Number in parenthesis represent applicable NAAQS or NYAAQS.

There were no exceedances of NAAQS and New York State Ambient Air Quality Standard (NYAAQS) during 1998 at the listed monitoring sites.

2.8 Noise

Noise is generally defined as sound with intensity greater than the ambient or background sound pressure level (SPL). SPL is determined by measuring noise emissions in terms of sound pressure in a relationship defined as a decibel (dB). The A-weighted decibel (dB[A]) scale is commonly used to describe environmental noise. The A-weighted scale simulates the variation

2. Environmental Setting

in frequency throughout the audible range of typical healthy human hearing.

Existing noise levels within the Union Ship Canal area are typical of an urban commercial environment in which noise levels are highly variable with time and are determined primarily by automobile, bus, and truck traffic movements. The area of the proposed Union Ship Canal is largely vacant, except for an existing railroad line that extends westward from the Seneca Rail Yard on the eastern boundary, and is used by CSX Railroad. Other noise sources that contribute to the ambient noise environment at the proposed project site include railroad operations at the adjacent Seneca Rail Yard on the east, highway-level traffic noise on NYS Route 5/Fuhrmann Boulevard on the east, and local roadway-level traffic noise on Tifft Street to the north.

A noise-sensitive receptor is a home, church, hospital, school, or any location where people reside or congregate. Field surveys of the project area indicate that there are no immediate sensitive receptors contiguous or within the Union Ship Canal area. Tifft Farm Nature Preserve is located approximately 500 feet north of the project area and South Park is located approximately 1,200 feet southeast of the project area. However, persons visiting these areas would also likely experience the highway, local roadway, and railroad-related noise experienced at the proposed project site. The nearest residential area is located approximately 0.5 mile south of the project area in the City of Lackawanna.

2.9 Archaeological and Architectural Resources

The project area does not contain known prehistoric archaeological sites.

The site has been significantly disturbed by prior industrial activities. These activities included, for example, excavation of the Union Ship Canal, excavation of flues and trenches for subsurface conduits, grading, downcutting, fill deposition, installation of pads, basements, and foundations, installation and removal of rail lines. The ground disturbance is evidenced by the presence of enormous spoil heaps and push piles within the bounds of the former Shenango, Inc., Mold plant and Hanna Furnace property. Some of these above-grade debris piles are 15 feet high.

Fourteen test borings drilled both north and south of the Union Ship Canal show the presence of fill at depth 4.5 to 12 feet below surface (Malcolm Pirnie 2000; Appendix 5; Recra Environmental

2. Environmental Setting

Inc., 1988, Vol. I:3-1; Vol.II:MW1-MW7). Test pits excavated at Hanna Furnace and Shenango Steel Mold indicate fill composed of sand, slag, wood, brick, and other materials down to a depth of 5 to 11 feet (ABB 1995). If prehistoric or early historic archaeological sites had ever existed in the project area, they probably were either destroyed or severely disturbed.

As stated previously, some operating equipment of the Hanna Furnace complex has been dismantled. This dismantling affected all four furnaces and the associated components such as dust catchers, gas washers, mud legs, disintegrators, dryers, skip bridges. Similarly, other devices and elements pertaining to iron smelting, forming, and disposal, such as boilers, ladles, crane bridges, charging cranes, gas blowing machines, gas mains, ducts, rail lines, and molds, were also removed together with the specialized rolling stock. The remnants of the Hanna Furnace plant contained no machinery related to iron smelting. Furthermore, most of the metal frame structures housing the plant have been torn down.

The City of Buffalo acquired the city-owned portion of property in lieu of foreclosure after the property was abandoned in bankruptcy proceedings. The city subsequently and recently condemned the remaining structures as safety hazards and has discussed with SHPO the demolition of these structures.

Comments 2 & 21:
"Provide additional details about the remnants of Hanna Furnace. Provide SHPO consultation."

The remains of the Hanna plant proper constitute a late historic/modern industrial archaeological site. Almost all components related to iron smelting, forming, transportation, and storage have been removed. The extant remains contain evidence of the primary layout of the plant. This layout, as well as the plant's machinery, is extensively documented on historical maps and in numerous photographs on file with various historical repositories in Buffalo.

Comment 22: "Notify SHPO of the Hanna Furnace structures before proceeding with the demolition."

A historic background discussion is contained in Appendix 6 along with documentation received from and between SHPO pertaining to the potential for historical designation, plans for demolition of the remaining structures, and recent notification to SHPO regarding the current demolition of the structures.

2.10 Natural Resources

The following paragraphs describe the natural resources present within the project area. The section focuses on soils and geology, topography, vegetation, wildlife, and wetlands. The Union Ship Canal District is primarily vacant, former industrial land with a wetland area in the northeast portion of the area. Transportation

2. Environmental Setting

rights-of-way serve as the east and west borders of the project area. The Tifft Farm Nature Preserve is located north of the project area.

2.10.1 Soils and Geology

The geology of the Union Ship Canal District can be characterized as Paleozoic bedrock with an unconforming layer of Pleistocene glacial deposits and recent sediments. Bedrock units are all sedimentary rocks variously consisting of shales, sandstones, limestone and dolostone. Bedrock is generally 22 to 48 feet below the surface (Recra 1988). Boring logs of an investigation conducted by Malcolm Pirnie indicate that in the Phase 1 development area, the depth to bedrock ranges from 35 to 48 feet below ground surface (Riker 2001). In general site soils consist of 10 to 16 feet of fill, a discontinuous peat deposit overlain by 20 feet of silt and clay (Riker 2001).

The soils in the project area are classified as urban land on lowland plains (USDA 1986). These urban land soils are found in areas dominated by nearly level to sloping urbanized areas and areas of well-drained to poorly drained soils and disturbed soils. Generally, 80% or more of urban land soil surface is covered by asphalt, concrete, buildings, and other impervious structures.

A small area of Haplaquolis soils is located in the northeast corner of the Union Ship Canal site. This soil type is characterized by freshwater marshes containing very poorly drained soils ponded with shallow water most of the year (USDA 1986).

2.10.2 Topography

The project area is located in the Erie-Ontario Lake Plain Province. The Erie-Ontario plain has little significant relief, except in the immediate vicinity of the major drainage ways. The Erie-Ontario plain typifies the topography of an abandoned lakebed. With the exception of some filled areas, the project area is generally level with the general slope of the land in the northwest direction towards Lake Erie.

2.10.3 Vegetation

Naturally occurring vegetation in the project area has been altered by past land use and subsequent placement of fill material. The predominant land use was industrial and therefore there is currently little native species vegetation. Adjacent and on-site railroad and paved rights-of-way have also been cleared of much of the naturally occurring vegetation. The area supports early successional herbaceous, shrub, and some tree species, however many areas are dominated by invasive exotics. The altered condition (i.e., fill soil

Comment 24a: "Loss of habitat will occur as a result of the project. Willows and poplars abound. This site is filled with emerging groundcover and wildflowers. The wetlands thrive; much of the site is in a floodplain."

2. Environmental Setting

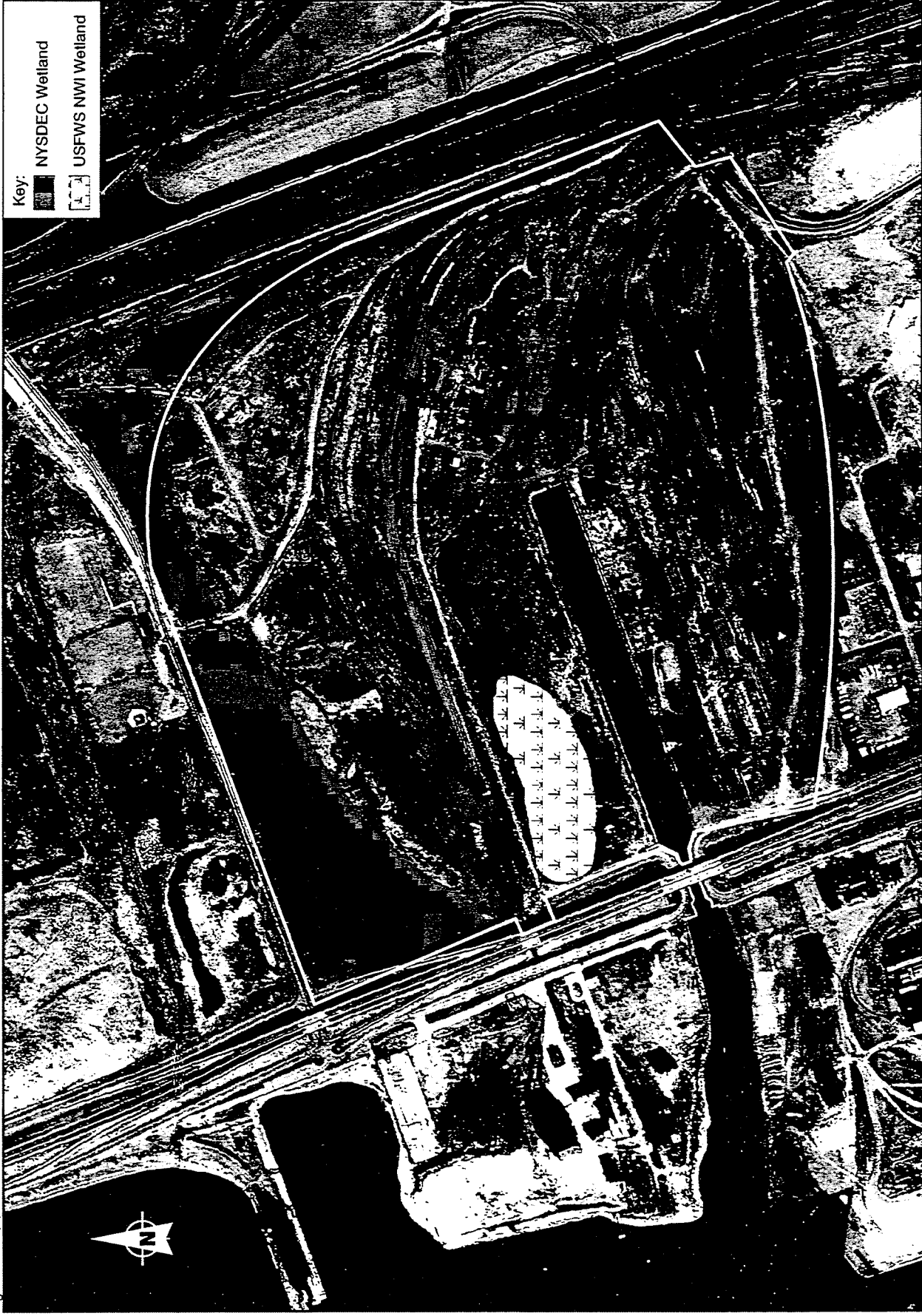
and aggregate porosity) of soils and substrates has affected natural hydrology, fertility, and water-retention capacity, resulting in generally infertile growing conditions that are inhospitable to most native species and slow the natural succession process. The northern portion of the Union Ship Canal District and around the canal contain herbaceous, shrub, and tree species, including poplars and willows.

Figure 2-3 presents NYSDEC and National Wetland Inventory Wetlands in the area of the project site. As shown in the figure, one NWI map is located in the project area. The map of the aerial photography from which this wetland data are derived is dated 1978 and has not been updated. Historical maps of this area show a pond at the location of the NWI wetland. A field reconnaissance of this area shows that this pond/wetland was previously filled.

NYSDEC regulates wetlands 12.4 acres (5 hectares) or larger. These wetlands are identified based on hydrophytic vegetation. The wetlands are classified by NYSDEC according to the benefits supplied. A Class I wetland is defined by any of seven characteristics, including kettlehole bogs, habitat for endangered or threatened species, and proximity to public water supplies. A Class II wetland is defined by any of the 17 characteristics, including emergent marshes in which purple loosestrife and/or reed grass constitutes less than two-thirds of the cover type, proximity to tidal wetlands, or archaeological significance.

The northern portion of the Union Ship Canal District contains depressions and eroding drainage ditches that support wetland species. The two wetlands located near the northern boundary of the Union Ship Canal District are Class II and the wetland located at the eastern boundary is Class I. The Class I wetland is classified as such because of its location near Tiff Farm Nature Preserve and its size for being in an urban area (NYSDEC 1981). The Class II wetlands contain herbaceous vegetation with islands of shrubs and trees. The emergent marsh and deciduous cover types are interspersed (NYSDEC 1981).

The adjacent Tiff Farm Nature Preserve is the largest open-space, vegetated area in proximity to the Union Ship Canal area. A former municipal and industrial dump, the preserve is now a recreational and natural area. The vegetation that exists is in an early stage of secondary succession following decades of human disturbance. The most intense phases of disturbance likely eliminated all but the tenacious weeds and some large trees. Therefore, the existing vegetation is young.



SOURCE: NYSDOT, 1994

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Figure 2-3 WETLANDS LOCATED IN THE PROPOSED UNION SHIP CANAL DISTRICT

2.10.4 Wildlife

The past uses of the Union Ship Canal District have eliminated most of the indigenous plant species and subsequently diminished the presence of wildlife. The non-indigenous vegetation that has prolonged the industrial nature of the area is of minimal value to wildlife. Species using the project area more tolerant within these highly disturbed areas are those adjusted to human activities, require small habitats for their life requisites, and/or are highly mobile. Such species include birds and small mammals.

Common birds of prey (e.g., Red Tailed Hawk, Coopers Hawk, and Kestrel) may visit the site but would find limited food sources. In addition, the existing habitat of the Union Ship Canal District presents no significant value to species of migratory songbirds or waterfowl that use the Niagara River and Lake Erie shoreline that has been identified as a seasonal migratory route.

The Tiff Farm Nature Preserve is the largest open-space wildlife habitat located in proximity to the Union Ship Canal area. The preserve contains a diversity of habitats, including a 75-acre cattail marsh, small freshwater ponds, old fields, forested swamps, woods, and shrublands. A large diversity of wetland animal species exists in and around the marshes at Tiff Farm, including the least bittern and Jefferson's salamander (both species of special concern) and Osprey (on the New York threatened species list). The preserve provides valuable habitat for many migratory and non-migratory birds.

South Park is the other vegetated recreational area located in proximity to the Union Ship Canal District and contains small, open bodies of water. Small birds and mammals are likely to utilize these habitats rather than the unsuitable wildlife habitats that surround the park.

2.10.5 Threatened and Endangered Species

No federally listed or proposed endangered or threatened species are known to exist in the project area, except for occasional transient species.(USFWS 1999).

The Peregrine Falcon nesting at the Statler Towers in Downtown Buffalo is the only avian species of concern that would possibly use the air space over the Union Ship canal for hunting. Existing habitat in the Union Ship Canal area does not present any specific value to the pigeons and waterfowl that are the Peregrine Falcon's preferred prey.

Comment 24a:
"Provide more details on this section by consulting with the NYSDEC Natural Heritage Program. Identify state-listed species."

Based on a review of aerial photographs, habitat for potential threatened or endangered species is limited for the Union Ship Canal District. This industrial site is primarily paved, filled, or contains demolished structures. The site contains no native soils. The wetland areas provide wildlife habitat and there is evidence of travel corridors across the rail lines to and from the Tifft Farm Nature Preserve.

Information on the potential presence of state-listed species was requested from the Natural Heritage Program. The following plant species were listed as "historically occurring" within the City of Buffalo with no recent field information available to determine present existence: Blue-hearts; Sartwell's Sedge; Compact Hawthorn; Lesser Fringed Gentian; and Golden Dock. Of these plant species, Sartwell's Sedge is categorized as threatened. The remaining plant species are categorized as endangered. Because the dates listed for the last observed presence of these plant species are the early 1900s, it is not anticipated that these plant species are occurring in the Union Ship Canal District.

2.11 Water Quality

The following section discusses the water quality associated with the surface and groundwater located within the project area.

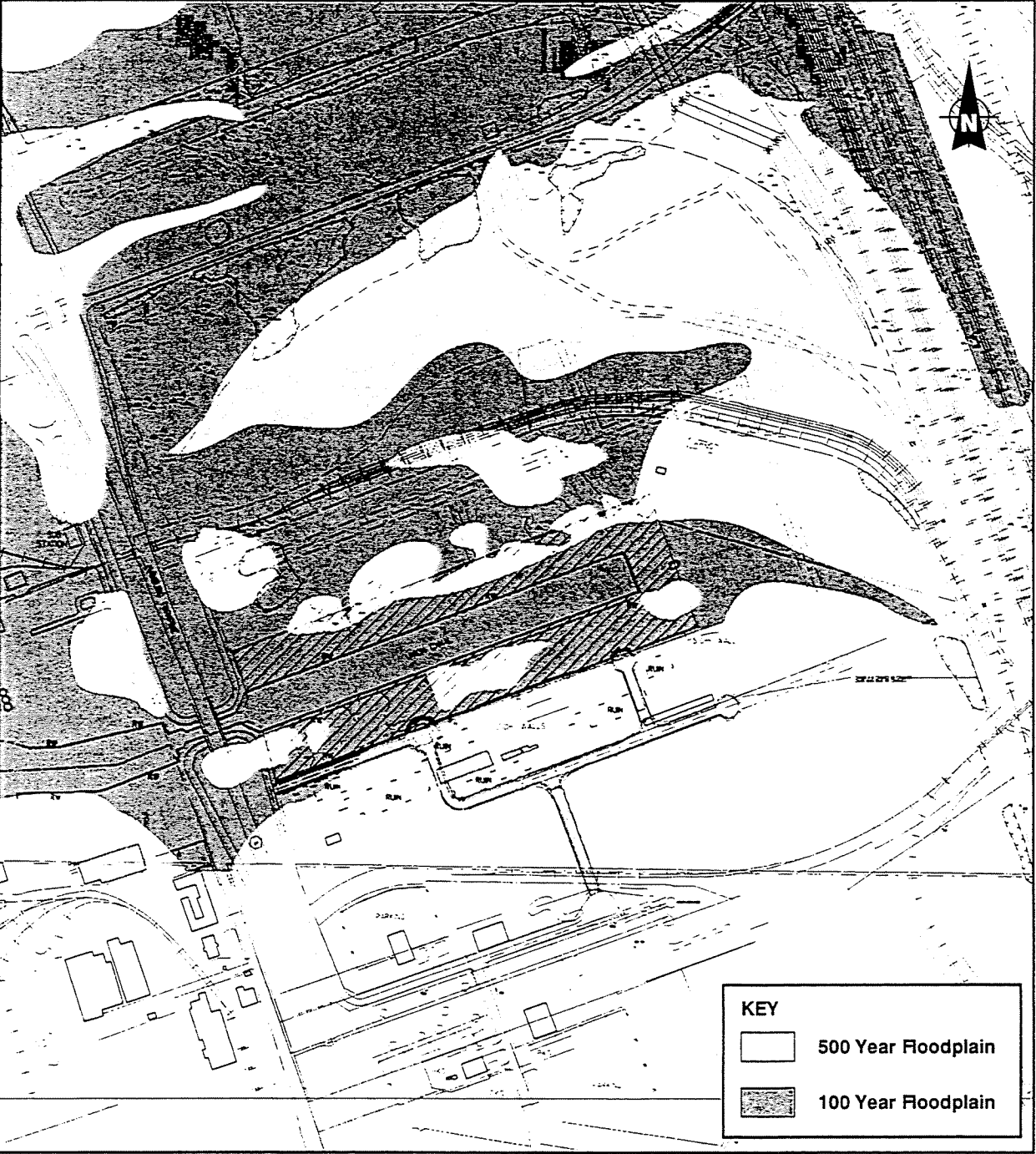
2.11.1 Surface Water

Surface water within the project area consists of the Union Ship Canal slip and Lake Erie. NYSDEC has established water use classifications and water quality standards based on consideration for public health, water supplies, and recreation, propagation and protection of fish and wildlife; and economic and social development. Lake Erie is classified as Class C, suitable for fish propagation and survival. The quality of Class C water bodies is also suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

Portions of the Union Ship Canal site are located within a 100-year floodplain (see Figure 2-4). This 100-year floodplain generally surrounds the Union Ship Canal and another portion is located north of the canal.

2.11.2 Groundwater

The depth of groundwater at the site of the proposed Union Ship Canal District ranges from 2.5 to 9.0 feet (Malcolm Pirnie 2001).



SOURCE: FEMA, 2000

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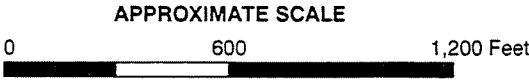


Figure 2-4 FLOODPLAINS LOCATED IN THE
PROPOSED UNION SHIP CANAL DISTRICT

Groundwater flow in the fill overburden is likely perched over the underlying peat and lacustrine silt and clay deposits (NYSDEC 1995). Groundwater flows toward the canal but may also flow toward topographically lower areas, such as the wetlands located north and east of the canal (NYSDEC 1995).

2.12 Urban Design and Visual Resources

2.12.1 Setting

The Union Ship Canal area is void of structures other than the remnants of buildings that once housed the Hanna Furnace company. The majority of the area is vacant and sparsely vegetated. The slip of the Union Ship Canal provides the only character of the area, other than the wetland areas in the northern portion (see Figure 2-5).

The streetscape along Fuhrmann Boulevard and Tift Street is characterized by vacant parcels that present an overall inconsistent and undefined texture, which is also relatively representative of the surrounding area. North of the Union Ship Canal area is Tift Nature Preserve, which has gently rolling terrain, and farther north the skyline of Buffalo is visible, though partially obstructed by the Skyway bridge. Looking west of the area is Fuhrmann Boulevard and Lake Erie. Views to the south include primarily vacant land with remnants of the building facades and foundations of the Hanna Furnace complex. East views from the area consist of vacant land, the railway corridor, and residential areas beyond the railroad tracks.

2.12.2 Urban Design Considerations

The proposed Union Ship Canal District currently contains little to no streetscape elements, such as street furniture (e.g., sidewalks, lighting fixtures, utility lines, benches) and street level design elements are not present due to the vacant, undeveloped nature of the area.

The 42-acre New Village Industrial Park is located immediately to the south of the Union Ship Canal District. The New Village Industrial Park started in 1985 and features a variety of lot sizes and diversity of uses from light industrial and high tech to communication and professional/office. The New Village Industrial Park is home to 13 companies, including HazMat, Foreign Trade Zone, Now-Tech, and Safety Clear. Also located within the park is an attorney's office and a communication tower.



In addition to the New Village Industrial Park, the City of Lackawanna's Steelawanna Industrial Park is located in proximity to the Union Ship Canal area. Steelawanna abuts the New Village Industrial Park to the east.

2.12.3 Visual Resources

Union Ship Canal offers a view of Lake Erie to the west (although partially obstructed by NYS Route 5), and Tifft Farm Nature Preserve and the City of Buffalo skyline to the north. These areas hold aesthetic qualities valuable to the immediate and nearby communities of Lackawanna and Buffalo.

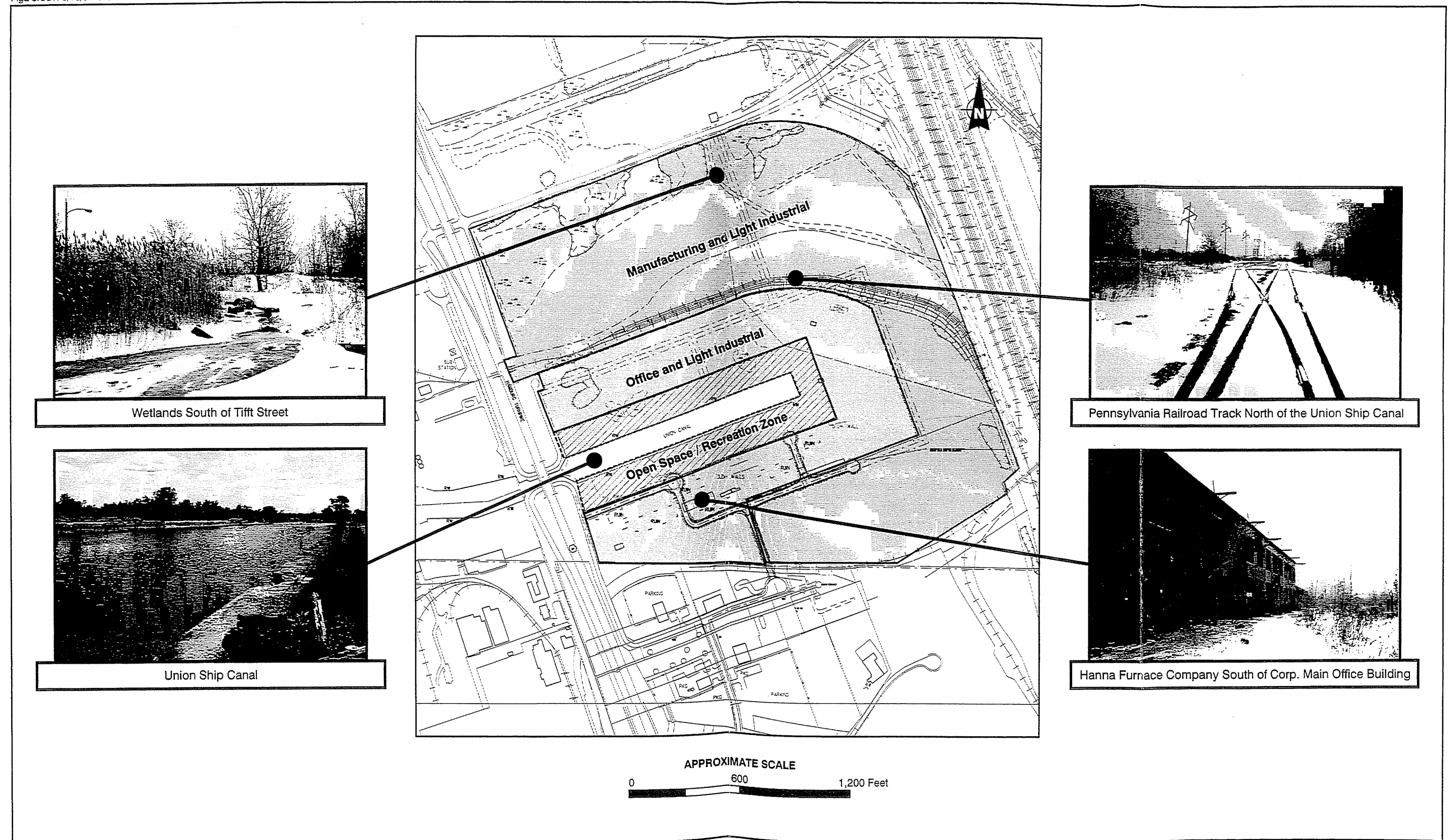


Figure 2-5 SELECTED VIEWS
OF THE PROPOSED
UNION SHIP CANAL DISTRICT

3

Environmental Impacts and Mitigation Measures

This section discusses the anticipated beneficial and adverse environmental impacts associated with implementation of the proposed Union Ship Canal District.

This section only applies to the Preferred Alternative. A GEIS is being prepared for the city's proposed zoning modification, land transfer, and development of the proposed Union Ship Canal District because specific development plans have not been prepared that would indicate the proposed uses, number of new employees, or sites of any new construction, with the exception of Parcels 1 and 2. For these areas, conceptual roadway layout and building footprints have been drafted. Rezoning the site would, however, guide and encourage the type of development that the city needs to increase employment and the tax base. This section estimates the impacts of a full build-out scenario using engineering estimates for the square footage of building space, number of employees, and utility use.

Further development may require the preparation of an Environmental Assessment Form (EAF) that would establish development thresholds and itemize and secure any necessary permits prior to construction. The EAF would ensure that environmental concerns for a specific development plan and parcel would be identified and considered. In addition, one or more parcels within the Union Ship Canal District may require further environmental investigation and/or remediation with exception of Parcel 1, which does not require any further investigation. This work will be subject to the jurisdiction, purview, review, and approval of NYSDEC and USEPA and public notice and comment as required by applicable NYSDEC regulations and policies. In addition, any remedial work will be subject to the review by NYSDOH, in the capacity of a consulting agency.

3. Environmental Impacts and Mitigation Measures

All development proposals within the proposed Union Ship Canal District will be subject to design review and approval by the City of Buffalo Planning Board.

3.1 Land Use and Zoning

The proposed development plan, which would be implemented in accordance with the proposed zoning amendment, would have a long-term positive impact on land use within and adjacent to the proposed Union Ship Canal District.

The proposed zoning amendment will encourage development of former industrial lands around the Union Ship Canal by ensuring development proposals are compatible with each other and with public access to the waterfront. The Union Ship Canal represents one of the few areas within the City of Buffalo that is of sufficient acreage and appropriate location to support the proposed office, light industrial, and manufacturing uses proposed by DDI.

The type of development envisioned by DDI for this site typically requires larger sites (typically approximately 5 to 10 acres) and flat terrain with good highway and road access. There is a critical shortage of parcels of this description that are zoned for office, light industrial, and manufacturing uses in the City of Buffalo. Other sites available for redevelopment in South Buffalo and Lackawanna are typically individual parcels or small assemblages of lots along major roads such as South Park Avenue and Hopkins Street. These sites are not large enough or of the appropriate dimension to support the type of development proposed. In addition, development of these smaller parcels would result in increased traffic in and through residential areas. Development of the proposed Union Ship Canal District would not impact the success or failure of businesses located along streets such as South Park Avenue.

The site is well-suited to provide a mix of office, light industrial, and manufacturing uses while also providing the opportunity for improved public waterfront access, a suitable mix of open space, and also has highway and road access to accommodate the needs of the development. Development of the proposed Union Ship Canal District will not impact adjacent or nearby residential areas. The fact that the site was formerly used as an industrial site that would be returned to viable and productive use would counteract the trend of these types of uses relocating to the suburbs (i.e., urban sprawl). Under the proposed Union Ship Canal District zoning amendment, former industrial and railroad land uses will be developed into a mix of public and private open space and recreation uses along the

3. Environmental Impacts and Mitigation Measures

canal; high-quality office, light industrial, and manufacturing uses adjacent to the open space; and larger-scale, light industrial and distribution uses on larger parcels of land on the periphery of the project area.

An estimated 255 acres of former industrial and railroad lands would be developed into the land use categories shown on Table 3-1. An estimated 20 acres of wetland area would be preserved and would not be developed.

Table 3-1 Projected Land Uses

Land Use	Area (acres)
Office and light industrial	60
Manufacturing and light industrial	160
Open space/recreation	25
Open water recreation (e.g., boat slips)	10
Wetland	20
Total	275

Development of the projected land use would be controlled through design and site plan review by the city's Planning Board, in accordance with the proposed zoning modification. The zoning modification specifies permitted uses that are compatible with and complementary to each other. Land uses that would not be compatible with or complementary to the projected land uses within the proposed Union Ship Canal District, including residential, freight terminals, junkyards and recycling yards, heavy industry, and others, are prohibited under the proposed zoning classifications or other institutional controls such as deed restrictions.

Adjacent land uses include vacant industrial, light industrial, and transportation (e.g., NYS Route 5, Seneca Rail Yard). Potentially sensitive land uses, including Tift Farm Nature Preserve and South Park, are at a sufficient distance from the proposed project site so that a land-use conflict would not likely occur. South Park is located on the east side of the Seneca Rail Yard and Tift Farm Nature Preserve is located north of Tift Street. Passive recreational activities at the Tift Farm Nature Preserve would also be buffered by the active recreational activities at the George J. Hartman Playfield and the wetland preservation area on the north side of the proposed project area.

Comment 34 "....not clear from the DGEIS and zoning document (if) CSX rail spur... will remain in place and whether access...is encouraged and/or permitted."

The CSX railroad spur is an existing use, and would be grandfathered in as a permitted non-conforming use under the proposed zoning. Retention of rail service is encouraged, as it is an asset to several types of businesses.

City of Buffalo Comprehensive Plan

The proposed action is consistent with the city-wide goals, objectives, and policies identified in the City's Comprehensive Planning process, particularly those related to land use and economic development. Specific action items that were identified and that relate to the proposed project include:

- **Economic Development Goal:**
Action Item 16 – Continue to make brownfield redevelopment a city priority.
- **Land Use Goal:**
Action Item 120 – Adopt zoning recommendations for the Union Ship Canal.

Development of the proposed Union Ship Canal District does not preclude any of the economic development initiatives in other parts of the city or the need to reinvest in existing commercial corridors. The proposed Union Ship Canal District would offer development sites that are not currently available in the city or are only available in a limited capacity. It is designed to offer an industrial- and office-park setting, maximizing the scenic views at the site and access to major transportation corridors that connect to markets in Canada or elsewhere in the United States. Part of the City's Comprehensive Planning process is to identify the most appropriate uses for areas that require revitalization and rebuilding. Existing commercial corridors, particularly in South Buffalo, would potentially be more attractive to businesses that service households in the neighborhood.

Establishment of an open space/recreation zone around the Union Ship Canal would provide an additional opportunity for the public to access the waterfront and take advantage of one of the city's greatest assets, Lake Erie.

Coastal Zone Management Program

The proposed action is consistent with the NYS Coastal Management Program (CMP). The following policies listed in the CMP pertain to the Union Ship Canal project. Provided after each policy is a description of how the proposed action will abide by the CZM policy.

- **Policy 1** – Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

Comment 19:
"Determine how the identified CZM policies will be addressed by this project."

3. Environmental Impacts and Mitigation Measures

The proposed project is located within the coastal area boundary as defined by the New York Department of State. The proposed project is consistent with this policy in that underutilized waterfront areas will be developed with compatible recreational, commercial, and industrial uses.

- **Policy 2** – Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters;

While the proposed project facilities are not water dependent, they are water-enhanced and are sited in appropriate areas with respect to surrounding land use and zoning. The proposed action will not displace any water-dependent uses. In fact, the proposed project will provide for easier access to the Union Ship Canal slip, encouraging recreational use.

- **Policy 5**– Encourage the location of development in areas where public services and facilities essential to such development are adequate.

The proposed project is located in an urban area where public services and facilities are available, adequate, and therefore is consistent with this policy.

- **Policy 7** – Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

The proposed project will not adversely impact significant coastal fish or wildlife habitats, and therefore is consistent with this policy.

- **Policy 9** – Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources;

The proposed action would not affect recreational use of fish and wildlife resources in the coastal area. The proposed action will not impede the expansion of recreational use of fish and wildlife resources along the coast, and is thus consistent with this policy.

3. Environmental Impacts and Mitigation Measures

- **Policy 11** – Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion;

The proposed project will not create any structures that would increase flooding or erosion or endanger human lives. All development will be in accordance with federal floodplain specifications. Top-of-slab-on-grade foundation will be a minimum of 12 inches higher than the floodplain level. The major portion of the entire site that is classified as floodplain occurs contiguous to the canal slip, where there will be no development.

- **Policy 14** – Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations;

Consistent with this policy, the proposed action will not cause an increase in erosion or flooding at the project site or other locations. All development will be in accordance with federal floodplain specifications. Top-of-slab-on-grade foundation will be a minimum of 12 inches higher than the floodplain level. The major portion of the entire site area that is classified as floodplain occurs contiguous to the canal slip.

- **Policy 17** – Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

The proposed project does not include the construction of flood-prevention or erosion-protection structures. The canal slip is currently surrounded by structural bulk heading. In the event repair is necessary, consideration will be given to non-structural techniques, however this will be weighed against the historical significance of the canal slip structure. The area that surrounds the canal slip will be maintained as a natural setting and structures will not be built in an area prone to flooding without following floodplain management guidelines.

- **Policy 19** – Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.

The proposed project will not adversely impact access to and enjoyment of water-related recreation. In fact, the proposed

3. Environmental Impacts and Mitigation Measures

project will enhance access to the canal slip. The area immediately surrounding the canal slip will be developed for public use and enjoyment.

- **Policy 21** – Water-dependant and water-enhanced recreation will be encouraged and facilitated and will be given priority over non-water-related uses along the coast.

Water-enhanced recreation will be encouraged along the boundaries of the canal slip through the proposed open space buffer that will have public walkways and through encouraged recreational boating in the canal slip.

- **Policy 23** – Protect, enhance, and restore structures, districts, areas or sites that are of significance to the history, architecture, archeology, or culture of the State, its communities, or the Nation.

Consultation with SHPO has resulted in their recommendation to prepare a historical recordation of select Hanna Furnace structures (i.e. a furnace) that remain on the proposed project site. This historical recordation includes photography and supporting written documentation outlining the historical significance of Hanna Furnace.

- **Policy 25** – Protect, restore, or enhance natural and man-made resources that are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

The canal slip will be maintained and repaired as an enhancement for development. The wetland areas will be protected and maintained as wetland areas and will be protected with a 100-foot buffer.

- **Policy 30** – Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.

The proposed project does not include any plans for point-source discharges. Wastewater will be pretreated prior to discharge into a municipal collection and treatment system. No hazardous or toxic waste industries will be allowed to develop within this area.

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- **Policy 33** – Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Best management practices will be implemented during construction and operation of the facilities to avoid impacts from stormwater runoff and combined sewer overflows. The City plans to provide new water and sewer service lines to the site from the south.

- **Policy 37** – Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics, and eroded soils into coastal waters.

Excess nutrients, organics, and eroded soils, if caused by construction and operation activities of the proposed project, will be managed by best engineering practices, including erosion controls, to minimize or prevent non-point discharge to adjacent and nearby coastal waters.

- **Policy 38** – The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Water supply for the proposed project area will be provided by the Erie County Water Authority. Sanitary sewer connection will be made to ECSD #6 located within the City of Lackawanna. Therefore, water supply will not come from groundwater wells. The quality and quantity of the surface and ground water will be managed closely during construction, primarily, and operation to minimize or prevent pollution of water supply sources. Short term sewer and water service will be provided by ECSD #6, while long term service will be provided by the City of Buffalo and the Buffalo Sewer Authority (BSA).

- **Policy 41** – Land use or development in the coastal area will not cause National or State air quality standards to be violated.

The proposed project involves the rezoning of the property from M-3, Heavy Industrial, to commercial, recreational, and light-industrial. Exceedances of air quality standards is not anticipated given the restrictions of types of allowable land uses stated in the rezoning document. There are no proposed or al-

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lowed industrial uses that would violate current air quality standards.

- **Policy 44** – Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

One of the proposed actions is to protect the established freshwater wetland areas located north and east of the Union Ship Canal District. There are no tidal wetlands within the proposed project area.

3.2 Site Environmental Conditions

The Union Ship Canal area has a long and varied history of industrial use. While environmental investigations conducted to date in the Union Ship Canal area have indicated that industrial contamination resulting from this historic use of property exists, environmental investigations and remediation may be required prior to development. These investigations and remediation are ongoing and will progress under the NYSDEC applicable and relevant regulatory and review programs.

The following paragraph was deleted after NYSDEC review of the DGEIS:

~~Any environmental investigation or remediation that may be required in the Union Ship Canal would either be exempt from SEQRA review under ECL §8-0105 or would not require environmental review because those actions would be wholly beneficial to the environment (United Petroleum Association v. Williams 1985).~~

Under applicable and governing NYSDEC regulations and policies (Environmental Conservation Law, Articles 1, 3, 27, and 56), the environmental investigation or remediation that may be required for one or more of the parcels will be subject to review, approval, and public notice and comment requirements.

Environmental investigations or remediations pursuant to the VCA and/or Bond Act will be performed according to NYSDEC approved regulations. SEQR/CERO does not change the existing jurisdiction of these programs. The requirement of public notice and opportunity for public comment on any environmental investigation and/or remediation plans associated with one or more of the parcels in the Union Ship Canal area will be provided by NYSDEC in accordance with their regulations and policies.

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Investigations and remediation undertaken pursuant to the VCA and/or Bond Act will be subject to NYSDEC jurisdiction separate and distinct from SEQR. In addition, cleanup levels would be in accordance with NYSDEC and NYSDOH standards for the intended land use of the proposed developments. For the proposed Union Ship Canal District, land use would be office/light industrial/manufacturing; residential developments and day care centers would not be allowed through deed restrictions. Based on investigations that have been completed to date, this GEIS describes currently proposed remedial actions to be undertaken at each of the parcels. Each parcel is separately described below with the potential remediation described.

Any investigation or remediation that may be required by NYSDEC and NYSDOH directives, guidance, and policies related to the parcels will be undertaken with the specific intent and purpose of eliminating or mitigating any potential significant environmental or public health risks associated with each area of the site. Remedial actions are intended to be protective of public health and the environment. Under these circumstances, none of the actions that may be proposed for the parcels for environmental investigation or remediation would pose a potential significant environmental impact.

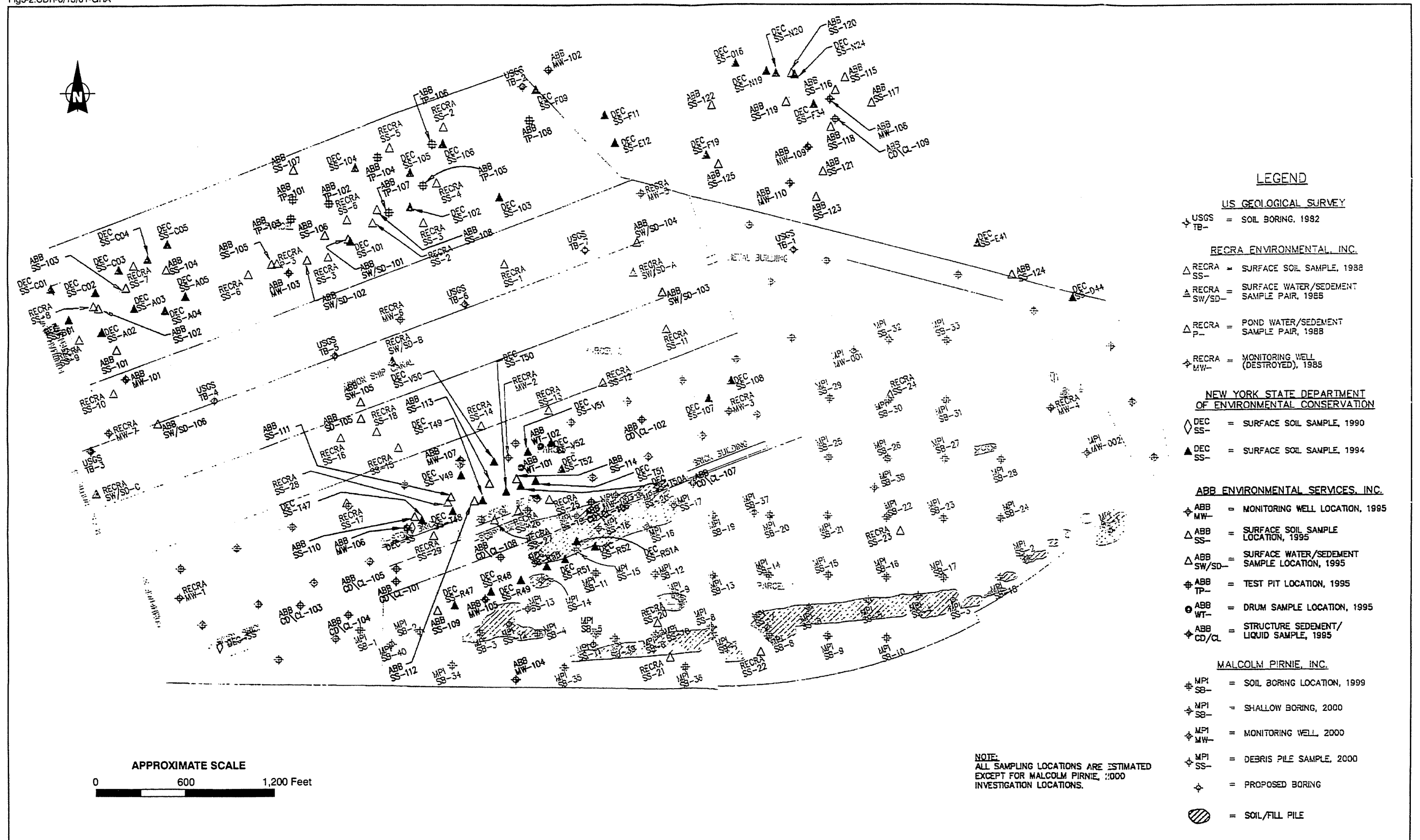
Comment 28:
"Elaborate on the discussion about remedial actions and fill depths. For Parcel 2, determine whether groundwater will be an impact; and list remedial actions proposed."

Potential remedial actions that may be implemented for the parcels include: institutional restrictions (limiting access, fencing, deed restrictions, land use restrictions); containment through construction of cover system; excavation and off-site disposal of contaminated soils; excavation and on-site use of contaminated soils after proper treatment methods have removed constituents; or removal and/or remediation of any petroleum-impacted areas as required under NYSDEC Technical Assistance Guidance Manual (TAGM) 4046 and/or 6 NYCRR Part 613 (see Appendix 4).

Parcels described below are referenced in the attached parcel map (see Figure 3-1). Each parcel within the proposed Union Ship Canal District has undergone a series of investigations involving extensive sampling of surface soils, subsurface soils, surface water, and groundwater. Figure 3-2 presents the site investigations that have occurred in the project area.

Parcel 1. Parcel 1 has previously been the subject of many environmental investigations to characterize the nature and extent of environmental conditions on this parcel. Environmental investigations were conducted by the U.S. Geological Survey (1982), Engineering Science (1986), Recra Environmental, Inc. (1988), ABB

Figure 3-1 PARCELS MAP, PROPOSED ROADWAYS AND UTILITY TIE-INS



SOURCE: Malcolm Pirnie, South Buffalo Redevelopment Plan, Downtown Development, Inc., 2001.

© 2001 Ecology and Environment, Inc.

Figure 3-2 PAST SITE INVESTIGATIONS
WITHIN PROJECT AREA

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Environmental Services (1995), Ecology & Environment, Inc. (1997), and Malcolm Pirnie (1999 and 2000).

The results of these investigations confirm that the environmental conditions are limited to slightly elevated levels of polycyclic aromatic hydrocarbons (PAHs) and metals in surface soils. Although PAHs and metals were detected marginally in excess of soil cleanup guidance (referenced in NYSDEC TAGM 4046) and/or Eastern U.S. background concentrations, these levels are within the range typically found in urban soils and urban locations. PAHs are formed through the combustion of coal and are typical of industrial areas where the use of petroleum compounds (i.e., oil and gasoline) occurs and railroad-related products (e.g., coal, tar, and creosote) are present. No volatile organic chemicals (VOCs) or semivolatile organic chemicals (SVOCs) were detected in groundwater samples and only insignificant metal contamination was noted.

Although environmental concerns were limited to nominal levels of compounds within the soils of Parcel 1, a Remedial Work Plan to be implemented under NYSDEC's Voluntary Cleanup Program (VCP) was proposed in January 2001 and has since undergone various reviews and iterations. The Remedial Work Plan proposes a cover system to be placed on top of the regraded on-site fill material, which would consist of clean soil for all fill areas, vegetated areas, asphalt for parking lots, or concrete for sidewalks, building, and heavy use areas. The cover depths, use of fencing, and other site-specific details are included in the Remedial Action Work Plan. Appendix 1 contains the Remedial Action Work Plan for the Hanna Furnace Site, Former Railroad Yard Area (Subparcel 1), Revised October 2001.

Recent discussions with NYSDEC and the Erie County Water Authority (ECWA) have occurred regarding request for approval of a beneficial use determination (BUD) for the use of water treatment plant residuals as a soil amendment for Subparcel # 1. A determination that NYSDEC and NYSDOH agree that preliminary sample results indicate that the material is suitable for use as a soil amendment was established. The determination indicates suitability as a soil amendment, provided that blending ratios were maintained as indicated in the ECWA BUD application. The blended soil would be used as cover material. Further guidelines for the use of residuals include requirements to meet values listed in NYSDEC TAGM 4046 and a schedule for the sampling and analysis of the blended material. Finally, the determination indicated that a site development plan must be in place, indicating the material would be used beneficially.

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Comment 28:

"Elaborate on the discussion about remedial actions and fill depths. For Parcel 2, determine whether groundwater will be an impact; and list remedial actions proposed."

Parcel 2. An environmental investigation of Parcel 2 is presently being undertaken under the purview of NYSDEC under the Re-build Now New York program. Based on site investigations yet to be completed, NYSDEC may identify various remedial actions.

Past groundwater investigations indicate that no VOCs or SVOCs were detected in concentrations higher than the Class GA groundwater quality standards. Pesticides and PCBs were not detected in the groundwater samples. Metals were detected, however only one sample had levels exceeding the standards. The pH of the groundwater was elevated. These results indicate that constituents present in the soil and fill material have not significantly impacted groundwater quality, with the possible exception of pH. Because groundwater is not an exposure pathway, except during invasive construction activities, groundwater treatment or containment is not required following construction (Remedial Action Work Plan for Subparcel 1, Former Railroad Yard, Hanna Furnace Site, revised October 2001).

The chosen remedial measure (if any) will be intended to promote the environmental policies of the state and to ensure protection of human health and the environment. Selection of the appropriate remedial measures will be made separate and distinct from the SEQR process and will be approved by NYSDEC pursuant to the Rebuild Now New York Program.

Parcel 3. Parcel 3 will be investigated under the provisions of the Clean Air/Clean Water Bond Act to determine whether any environmental conditions exist in the approximate 200-foot wide area around the Union Ship Canal. An environmental work plan has been approved by NYSDEC and an investigation performed. The analytical results report will be available in February 2002.

Parcel 4. Parcel 4 is approximately 19.5 acres north of the Union Ship Canal and has been the subject of several environmental investigations to date. If it is determined that an environmental remediation is required, an appropriate environmental remedy would be chosen to address the level of contamination.

Shenango Property, CSX Property, and Darling Property. No remediation has been proposed or mandated for these particular sites, with the exception of Shenango Steel, where an RI/FS has been drafted for NYSDEC review and proposed remediation is under consideration. While it has not been determined whether the –

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other sites may pose any environmental concern, investigation and possible remediation may be required in the future.

Future developers of these properties may opt (if site conditions warrant) to enter into a VCP with the NYSDEC for cleanup or implement the cleanup through the Clean Air/Clean Water Bond Act. The City of Buffalo has established working relationships with NYSDEC and NYSDOH pertaining to the Union Ship Canal District development and is in consultation with the NYSDEC Division of Environmental Remediation. This will ensure an effective and streamlined review of future parcels proposed for development.

3.3 Socioeconomics**3.3.1 Population**

The proposed action would have a positive indirect impact on population, by creating meaningful employment opportunities helping to stabilize the population base. The proposed Union Ship Canal District is designed to recruit business investment from outside the Western New York area, increasing job opportunities for the existing workforce in the Buffalo-Niagara MSA, and therefore also increasing opportunities for workers and their families to relocate to the Buffalo area from other regions.

3.3.2 Economy, Employment, and Income

The proposed action would have a positive impact on the local economy by creating an opportunity for business investment and job creation. A well-defined development plan, implemented through the zoning modification, would facilitate business recruitment in the community. The estimates provided for each zoning category below are gross estimates and would range significantly depending on the type and scale of business development.

Office and Light Industrial

An estimated 1.1 million square feet of office and light industrial floor space would be developed over 6 to 10 years. Each building would be comprised of two floors, on average, and cover 20% of the developable area, which is the acreage within this zoning classification exclusive of wetlands or landscaping. Parking, building access, and other paved surfaces would cover the remaining 80% of the developable area.

An estimated 4,000 jobs would be created by business development within the office and light industrial zone, assuming 3.7 employees per 1,000 square feet of floor space.

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An estimated \$24 million in new construction would be created over the 6 to 10 year period, based on an average new construction cost of \$22.00/square foot.(RS Means, 2000). An estimated \$140 million in annual salaries would be created, based on an average annual salary of \$35,000.

Manufacturing and Light Industrial

An estimated 4.5 million square feet of manufacturing and light industrial space would be developed over 6 to 10 years. Each building would be comprised of two floors, on average, and cover 25% of the developable area, which is the acreage within this zoning classification exclusive of wetlands or landscaping. Parking, building access, and other paved surfaces would cover the remaining 75% of the developable area.

An estimated 7,000 jobs would be created by business development within the manufacturing and light industrial zone, assuming 1.6 employees per 1,000 square feet of floor space .

An estimated \$158 million dollars in new construction would be created over the 6 to 10 year period, based on an average new construction cost of \$35.00/square foot (RS Means, 2001). An estimated \$280 million in annual salaries would be created, based on an average annual salary of \$40,000.

Open Space and Recreation

The open space and recreation component of the proposed action is designed more for public access and quality of life factors than economic development. However, business investment in the open space and recreation area could include development of a marina, boat rental operation, or concession stands.

3.3.3 Taxes and Revenue

Development of the proposed Union Ship Canal District would have a positive impact on the tax base for the City of Buffalo, Erie County, and the State of New York. Sources of revenue could include real property and utility taxes, sales taxes, and income taxes.

Revenue Sources

Actual revenue sources generated from the development of the Union Ship Canal area to the city, county, and state will be influenced by the application of various City, State and federal economic incentive programs. While actual levels or revenue are difficult to accurately project, the discussion to follow presents anticipated revenue sources.

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Real Property and Utility Taxes. An estimated 220 acres of the proposed Union Ship Canal District would be developed as taxable office and light industrial and manufacturing and light industrial land uses, generating property taxes and utility taxes.

Sales Taxes. Sales tax revenue would be generated from the retail and services uses developed to service the primary office, light industrial and manufacturing uses in the proposed district.

Income Taxes. With increased employment opportunities, increased revenue would accrue to the state through annual income taxes.

Expenditures

The State of New York offers numerous business incentives designed to encourage business investment in New York State, including Investment Tax Credits (ITCs), research and development tax credits, and sales tax exemptions for business purchases of product machinery and equipment. Businesses locating in the proposed Union Ship Canal District may be eligible for these incentive packages.

Government expenditures may be necessary to extend water and wastewater services to the proposed Union Ship Canal District. However, the existing treatment facilities have sufficient capacity and would not require additional government expenditure to increase the capacity.

In addition to the State of New York expenditures, the City of Buffalo will provide expenditures associated with the remediation of Parcels 1 and 2 and if required, Parcels 3 and 4. Also, if any further site investigations are warranted, it is anticipated that a portion of expenditures would come from the City. Finally, the development of infrastructure to service the Union Ship Canal area would require expenditures from the City.

3.3.4 Environmental Justice

The proposed action will change the current zoning of the proposed development area to one that is more restrictive of noxious uses than currently exists. The proposed rezoning is more prohibitive of currently allowed heavy industrial site uses, and thus, will avoid adverse affects on nearby communities by eliminating noxious, heavy industrial uses as allowable or permitted under the applicable zoning classification. No displacement of minority or low-income residences will occur as a result of this project. Although there are no immediately adjacent residential communities, the re-

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zoning will actually improve the areas surrounding the proposed development area in terms of economics and social aspects. Spin-off development and social gathering places will be fostered within the developed areas to give the surrounding neighborhoods a sense of community. The City of Lackawanna First Ward, located approximately 0.5 mile from the Union Ship Canal District, is the closest residential area.

3.4 Traffic and Transportation

The proposed Union Ship Canal District will be developed with a network of roads providing access to Tifft Street (City of Buffalo), North Gate (City of Lackawanna), and Commerce Drive to NYS Route 5 (City of Lackawanna and City of Buffalo). Until access can be made from Tifft Street (due to uncertainties associated with the CSX railroad spur, north of the canal), all truck traffic will be via North Gate. Subsequent roads would be built off the core road network as required by future buildout site plan reviews. Site plan review will require traffic studies if it is estimated that the Level of Service (LOS) for the roadway will change to a level that reflects a reduction in the capacity of the road. Detailed traffic impacts of specific projects will be evaluated jointly by the City of Buffalo Planning Board and the City of Lackawanna.

Bicycle lanes will be incorporated within the road network. The roadway system is also designed to accommodate Metro buses and provide ample access to pedestrians. Furthermore, all curbing will have handicap access in compliance with the American Disabilities Act (ADA).

3.4.1 Regional Transportation Systems

Regional highways include I-190, located north of the project area and north of the Buffalo River. I-190 provides access to the City of Buffalo and serves as an entranceway to the Peace Bridge (northwest) and I-90 (east).

I-90 is located beyond the project area and the City of Buffalo property limits. It carries traffic heading into Buffalo and its nearby suburbs coming from the southern tier and from the Niagara region and Canada.

I-190 has undergone a series of upgrades including full road and bridge construction and lane expansions in both directions. Truck traffic accessing the proposed Union Ship Canal District may utilize this highway. It is not anticipated that additional truck and car traffic generated as a result of the development of the proposed

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Union Ship Canal District will have a significant impact on the projected traffic volumes.

I-90 is currently proposed for a preliminary highway design review to alleviate current congestion that occurs from the junction of I-190 up to Exit 51 where traffic converges to I-90 and I-290. Any traffic generated as a result of the development at the proposed Union Ship Canal District that utilizes I-90 may create a short-term impact to this highway. If the highway design review indicates the need to expand this portion of I-90, there would be no anticipated significant long-term impacts associated with traffic generated from development of the proposed Union Ship Canal District.

Comment 29: "Are there any NYSDOT improvement projects for roadways within the vicinity of the project area?"

Currently the Southtowns Connector project is being reevaluated by the NYSDOT as a possible improvement project. Various alternative routes have been studied, including one that would pass through the proposed Union Ship Canal District. The success of developing the Union Ship Canal District is not dependent on building the Southtowns Connector. Local roadways will provide adequate access to this area. Internal roadways will provide vehicle access within the development area. At present, the existing transportation network is capable of accommodating project needs.

3.4.2 Local Highway/Road System

Comment 30: "How will truck traffic be directed to the site from off-site transportation routes?"

The local highway and road system in the vicinity of the proposed Union Ship Canal District includes Tifft Street (north); Ridge Road (south); Fuhrmann Boulevard and NYS Route 5 (west) and other secondary roadways that serve residential areas. Truck traffic accessing the site will use Northgate in the City of Lackawanna. Established truck routes through Commercial Drive will direct truck traffic from off-site roadways into the development area. This will aid in the minimization of air impacts on open space areas.

Table 2-6 illustrates that roadways in the project area are operating at a level of service (LOS) D or better.

As described in Section 3.3.2, the maximum buildout scenario anticipates 1.1 million square feet of office and light industrial uses, 4.5 million square feet of manufacturing and light industrial uses, and 25 acres of parkland/open space. Traffic on the local roadway system is anticipated to grow by 1.5% annually.

Assuming the maximum buildout allowed under the proposed zoning ordinance and ITE Trip Generation Tables for the proposed land uses, a maximum 44,150 trips could be added to the local road network. 50% of these new trips are assumed entering and exiting

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to Tifft Street, 30% entering and exiting to NYS Route 5 via Commerce Drive and Fuhrmann Extension, and 20% entering and exiting Ridge Road via Northgate. Table 3-2 indicates the total new trips distributed by roadway segment. Under this maximum buildout scenario, traffic volumes on the surrounding roadways may reach a LOS E.

Table 3-2 Average Annual Daily Traffic Volumes Associated with Buildout of the Proposed Union Ship Canal District

		Data	Projected	Volumes Future	Year 2011		
	Recent	Count	Traffic 2001	Based 2011	Trips	Year 2011	LOS D/E
	Year	(AADT)	(1.5% Annual)	(AADT) (1.5% Annual)	Generated by Maximum Buildout (AADT)	Total Volumes (AADT)	Breakpoint
Ridge Road ^a	1998	7,100	7,420	8,480	8,490	16,970	16,250
Tifft Street ^b	1998	12,300	12,850	14,700	21,230	35,930	32,500
NYS Route 5 ^c	1999	36,900	37,450	43,540	14,430	57,970	53,500

Source: GBNRTC.

^a NYS Route 5 to US 62.

^b Fuhrmann to Hopkins.

^c NYS Route 5 between Lackawanna City Line and Ridge.

The traffic impacts of the proposed Union Ship Canal District would be addressed as part of the Southtown Connector Project; the project area is included in the Southtown Connector study corridor. The Southtown Connector Project, being undertaken by NYSDOT, would study alternatives for improving access to local development sites and relieving corridor congestion. This study is being progressed under a separate EIS under the direction of NYSDOT.

Infrastructure design and buildout potential would be part of subsequent development and mitigation. Intersection analysis and traffic studies at Northgate and Ridge Road would be performed if it is determined that the LOS would be impacted.

Comment 14: "...the DGEIS does not adequately address the transportation needs of those without transportation."

Transport needs of the local working community without personal automobiles include mass transit and provisions for pedestrian walkways in and around the development area. In addition, the City will consult NFTA to bring Metro buses into the District for access to jobs and recreational activities.

3.4.3 Pedestrian Access

There are no existing sidewalks in the area of the Union Ship Canal. Sidewalks are part of all public streets and site design standards established for each zoning category. In addition, these design standards require walkways from building entranceways.

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Furthermore, the interior roadway network will connect to the existing public streets where sidewalks are available for pedestrian use and access. Development of the proposed Union Ship Canal District will accommodate pedestrian traffic.

3.4.4 Parking

Parking for the Office and Light Industrial and Manufacturing and Light Industrial zoned areas will require 320 square feet per employee (CE Reference Manual). Each site design plan will provide for parking that will accommodate the building capacity (number of employees), as determined from the square footage of each building. In addition, the zoning amendment site design guidelines specifies landscaping to break-up the flow of asphalt of the parking areas.

Parking standards are defined in the zoning guidelines and therefore development of the Union Ship Canal area is not anticipated to generate vehicle volume above that calculated for each building size.

3.5 Community Services

3.5.1 Emergency Services

The proposed Union Ship Canal District would increase the need for emergency services in the area and would periodically require assistance with fires, medical emergencies, accidents, and crime as associated with any developed area, business or residential. The City provides police and fire services to the area and has backup agreements for support, when needed. A mutual aid agreement exists between the City of Buffalo and the City of Lackawanna for emergency assistance. Response times for the fire and ambulance services that would be responsible for the Union Ship Canal District are approximately two to three minutes for fire and approximately two minutes for ambulance. The full build-out of the developments would take place over a 6- to 10-year period. This would allow for gradual staff increases, if necessary. The site was formerly used for heavy industries that would likely require more services than office buildings and light manufacturing.

Comment 31: "Provide more details on fire-fighting capacities and provisions for hydrants, ambulance service and response times, and indicate closest hospital"

3.5.2 Medical Services

The proposed Union Ship Canal District would increase the need for medical services to assist with accidents and health emergencies associated with any developed area, business or residential. One hospital and one critical care unit are located within 1 mile of the proposed Union Ship Canal District. The full build-out of the developments would take place over a 6- to 10-year period. This would allow for gradual staff increases, if necessary. The site was

formerly used for heavy industries that would likely require more services than office buildings and light manufacturing.

3.6 Utilities and Infrastructure

3.6.1 Water Supply

The proposed Union Ship Canal District would require an increase in water use. To determine the amount of water needed for this development, standard utility factors were used to estimate utility use. The factors were derived using engineering reference manuals, industry quotes, and planning criteria. For the full build-out development, it was assumed that office, light industrial, and manufacturing buildings need water at a rate of 1,000 gallons/acre/day (Metcalf & Eddy; Wastewater Engineering). All development proposals within the proposed Union Ship Canal District will be subject to design review and approval by the Planning Board and Department of Public Works.

3.6.2 Sanitary and Storm Sewer System

The proposed Union Ship Canal District would require sanitary and storm sewer service. To determine the load for sanitary and storm sewers, standard utility factors were used to estimate utility use. The factors were derived using engineering reference manuals, industry quotes, and planning criteria. For the full build-out development, it was assumed that office, light industrial, and manufacturing buildings would discharge wastewater at a rate of 1,000 gallons/acre/day (Metcalf & Eddy; Wastewater Engineering). The ECSD #6 within the City of Lackawanna has the capacity to handle the sanitary and storm sewer service, provided there are no wet industries requiring pretreatment. The ECSD #6 within the City of Lackawanna cannot provide pretreatment services. All development proposals within the proposed Union Ship Canal District will be subject to design review and approval by the Planning Board and Buffalo Sewer Authority or the Erie County Sewer Authority.

Comment 32: "Are there any permits needed for extending water and wastewater services to the site?" "Will the utilities have to cross Parcels 3 and 4?" "Will the utilities follow the proposed roadways?"

For Phase 1 of the development, the City plans to provide new water and sewer service lines to the site via south of the proposed project area. These service lines will be built parallel to the proposed interior roadways. Natural gas for heating will also be provided along these corridors. Agreement will be structured between the City and the Erie County Water Authority (ECWA) and Erie County Sewer Authority (ECSA) to provide water and sanitary and storm sewers. A utility corridor will be excavated and filled with clean fill to allow for the placement and future servicing of infrastructure below grade (see Figure 3-1). For development of areas north of the canal slip, the possibility exists that additional permits

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(local, state, or federal) may be required, depending on the proposed route of the utility corridors.

At present, there are no plans for utility connections through Parcels 3 and 4 for the first phase of construction. The utilities are planned to follow the proposed roadway corridor.

Site plan review by local agencies may require further permits. Table 1-2 of Section 1.7 lists potential environmental agency reviews and corresponding permits.

3.6.3 Solid Waste

Solid waste would be generated during construction and operation of the proposed developments within the proposed Union Ship Canal District. During construction, construction and demolition (C&D) debris will be produced. The C & D material will be transported off-site or used on-site.

3.6.4 Natural Gas

Development of the proposed Union Ship Canal District would result in an increase in the amount of energy used. At full build-out conditions, approximately 2,680,000 MBtu/day of gas would be required for heating, cooling, and manufacturing processes (Commercial Heating and Cooling Loads Component Analysis). It is anticipated that private utility companies would be able to accommodate this increase in demand. Details of the utility needs of the proposed development would be included in the development proposal and design documents submitted to the Planning Board.

3.6.5 Electricity

Development of the proposed Union Ship Canal District would result in an increase in the amount of energy used. At full build-out conditions, approximately 1.2 MkWH/day of electricity would be required for running the office and manufacturing facilities. It is anticipated that private utility companies would be able to accommodate this increase in demand. Details of the utility needs of the proposed development would be included in the development proposal and design documents submitted to the Planning Board.

3.6.6 Telephone

The proposed Union Ship Canal District would require an increased demand for connection to telephone lines. It is anticipated that private utility companies would be able to accommodate this increase in demand. Details of the telephone

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line connections and need for additional lines for the proposed development would be included in the development proposal and design documents submitted to the Planning Board.

3.7 Air Quality

Construction-Related

Air emissions would be generated during the construction of the proposed developments. The use of construction vehicles would generate dust and vehicle emissions during temporary construction phases. Pollutants emitted in the exhaust of construction equipment typically includes carbon monoxide, nitrogen oxides, sulfur dioxide, particulate materials (PM and PM10), and volatile organic compounds (VOCs). Dust generated during construction may consist of particles primarily larger than PM10, however, some dust may consist of particles smaller than PM10. To mitigate these impacts, the following measures could be used:

- Construction equipment will be maintained and operated in accordance with manufacturers' recommendations, and
- Dust generated during soil disturbing activities would be controlled with dust-suppression techniques such as application of water or agglomerating agents.

Comment 33:
“...analysis of air quality impacts associated with construction is lacking in detail.”

Specific contractor equipment has not been established yet. Once the equipment has been determined, details regarding emissions and mitigation measures to comply with air quality standards can be provided.

Operation-Related

Air quality specifications are detailed in the zoning amendment document. Development shall not emit any dust, fumes, gas, mist, odor, smoke, vapor, pollen, toxic, or deleterious emissions in quantities that can be detected beyond the lot line (peter j. smith, inc., 2001). The air quality in the proposed project area would be better under the proposed zoning land uses than that the air quality currently permitted. As a result, there will be minimal impacts to air quality during operation.

3.8 Noise

Construction-Related

Noise impacts associated with the proposed Union Ship Canal District include temporary noise generated during construction activities and noise associated with truck deliveries, employee vehi-

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cles, and allowed manufacturing operations. Construction and operation of any proposed developments must comply with the provisions of the City of Buffalo Noise Ordinance (Chapter 293). The zoning document also has requirements for reducing sound levels produced by equipment including the following:

- The day/night equivalent sound level shall not exceed 60 dBA except for occasional truck and rail traffic;
- If the sound produced is tonal, the sound level shall not exceed 55 dBA;
- Sound levels at the nearest residence must be 10 dB lower than given standards; and
- Certification of compliance will be required and submitted to the Planning Board (peter j. smith, inc. 2001).

Comment 34:
 "...identify nearest residence. Provide noise standards; ...indicate that existing tenants may be exposed to elevated sound levels during future stages of development; justify no noise-sensitive receptors occur in the area of the site."

Operation-Related

Light Industrial and Manufacturing uses will generate sound levels; however, it is anticipated that the levels generated will not be above national ambient criteria for a specific land use over a specified period of time. Noise guidelines are established within the zoning ordinance that will further prevent elevated sound levels. In addition, there are no noise-sensitive receptors adjacent to the proposed Union Ship Canal District. The closest residence exists at Hopkins and Tifft Street, approximately 0.75 mile northeast of the proposed development area. Residential communities are located in the City of Lackawanna's First Ward district, approximately 0.5 mile south of the proposed development area.

3.9 Cultural Resources

The New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) has been requested to comment on the effect of the proposed undertaking on the cultural resources remains within the project area. On May 14, 2001 the OPRHP has determined that the Union Ship Canal is eligible for the National Register of Historic Place (NRHP). Furthermore, the OPRHP determined that a Phase I archaeological investigation is warranted for the project area, unless a substantial prior disturbance can be documented (Pierpont 2001). Subsequent conversations with SHPO and the City of Buffalo yielded information that documents prior disturbance at the project area. Correspondence from SHPO dated June 4, 2001, stated that the Hanna Furnace remnants may also be NRHP-eligible, and that appropriate recordation may be required for these historical architectural resources prior to devel-



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opment (Mackey, June 4, 2001). The scope of this documentation and recordation has been determined, and photography and historical documentation of the structures has occurred. As a mitigation measure, the City of Buffalo will consult as necessary with SHPO as development progresses.

Comment 23: "Concern that the efforts taken to document the history of Hanna Furnace will set a precedent for other 'historical' industrial facilities, i.e., Bethlehem Steel."

Consultation with SHPO was initiated by the Phase 1A assessment of the property that, based on interpretation of the information, indicated the Hanna Furnace site as one that may have historical and/or archaeological resources. This is an element under the New York State Preservation Act (NYSPA) that is requested when a proposed action may have an impact on a parcel or building that may have historical or archaeological significance. This review procedure does not set a precedent for future development that may occur within Buffalo at other former industrial sites.

3.10 Natural Resources

3.10.1 Soils and Geology

The proposed Union Ship Canal District could result in alteration of the site soils due to construction of office and manufacturing buildings. Much of the site has been previously disturbed and primarily consists of fill materials from 10 to 16 feet. Construction of the buildings is expected to be on concrete slabs at grade. Some excavation of soils may be required for grading the site prior to construction of buildings, parking lots, and interior roads. In addition, temporary impacts to soils could occur during excavation for utility installation. After trenching, the construction area would be returned to its original condition. Use of construction equipment may result in some soil compaction and rutting. Standard erosion-control practices, however, will be used to minimize impacts on soils. Excess soils would be reused or removed and disposed of in accordance with applicable regulations, the VCP, and the Soils Management Plan (SMP). The proposed Union Ship Canal District would not impact bedrock.

3.10.2 Topography

The proposed Union Ship Canal District would not significantly impact topography except for some grading and utilities installation and with respect to the specifications itemized in the SMP. The site is generally level and would not require extensive alterations with the possible exception of what will be specified for soil cover in the VCP and SMP. After installation of utilities, the rights-of-way would be returned to preconstruction conditions.

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Comment 24b:

"The animals need extensive contiguous space. Isolated patches of grass amongst parking lots will not provide habitat for wildlife. These animals will not survive in an office/industrial complex. They have no place to go."

Comment 24d: "The proposed project will destroy the habitat for virtually all animals now in the district...."

Comment 24d: "...the project area has become an extension of Tifft Farm and will destroy the habitat for virtually all animals now in the District. Discuss how the project will affect Tifft Farm and mitigative measures. Suggest phasing development and relocating wildlife."

3.10.3 Vegetation

The proposed Union Ship Canal District would have negligible impacts on vegetation because the site was previously developed for heavy industrial use. Much of the vegetation has previously been removed and early successional species inhabit the area along with invasive species. NWI and NYSDEC wetland areas will not be impacted and will be considered preservation areas. Wetland delineation surveys would be required at the north end of the project area prior to construction to ensure no wetlands would be impacted based on the design of the proposed development. No significant loss of habitat would occur as a result of the project.

3.10.4 Wildlife

Past development of the proposed Union Ship Canal District has diminished the presence of wildlife except for the wetland areas located south of Tifft Street and around the canal slip. Only those species that are adapted to urban environments inhabit the previously developed area. During construction these mobile species may relocate to a nearby area with similar habitat characteristics.

3.10.5 Threatened and/or Endangered Species

No federally listed or proposed endangered species are known to exist in the project impact area. No Biological Assessment or further Section 7 consultation under the Endangered Species Act is required (USFWS 1999). Correspondence from the New York State Natural Heritage Program indicated that five plant species were "historically occurring" within the City of Buffalo. No field information exists, however, to determine current existence. The plant species were listed as "threatened and endangered." Because the dates listed for these plant species are the early 1900s, it is not anticipated that these plant species are occurring in the Union Ship Canal District. Furthermore, based on a preliminary site reconnaissance, no habitat for state-listed species exists in the development area. Potential habitat may occur in the wetland area, which would be preserved.

3.11 Water Quality

3.11.1 Surface Water

The proposed Union Ship Canal District would not permanently adversely impact Lake Erie or the Union Ship Canal. Construction wastewater will require collection for pretreatment via the Buffalo Sewer Authority prior to discharge. No construction wastewater will be allowed to enter the canal, and the City of Lackawanna has no pretreatment capability at their wastewater treatment plant (WWTP). If there are areas of construction within the project area where wastewater is inadvertently not collected, this could result in

3. Environmental Impacts and Mitigation Measures

temporary minor impacts due to silt carried in the surface-water runoff entering the water bodies directly or through the storm and sanitary sewer systems. These impacts will be minimized by securing a Stormwater Permit and using the required stormwater-control measures.

Comment 25: “.....for future phases (of development), any building that will be constructed will be elevated above the floodplain level; foundations will be slab on grade with no openings below grade”.

Portions of the Union Ship Canal District are located within a 100-year floodplain (see Figure 2-4). This 100-year floodplain generally surrounds the Union Ship Canal, and another portion is located north of the canal. All development will be in accordance with floodplain specifications. The top-of-slab-on-grade foundations for the buildings will be a minimum of 12 inches higher than the floodplain level. The major portion of the entire site area that is classified as floodplain occurs contiguous to the canal slip.

3.11.2 Groundwater

The proposed Union Ship Canal District would not impact groundwater. Groundwater is not used as a source of potable water.

3.12 Urban Design and Visual Resources

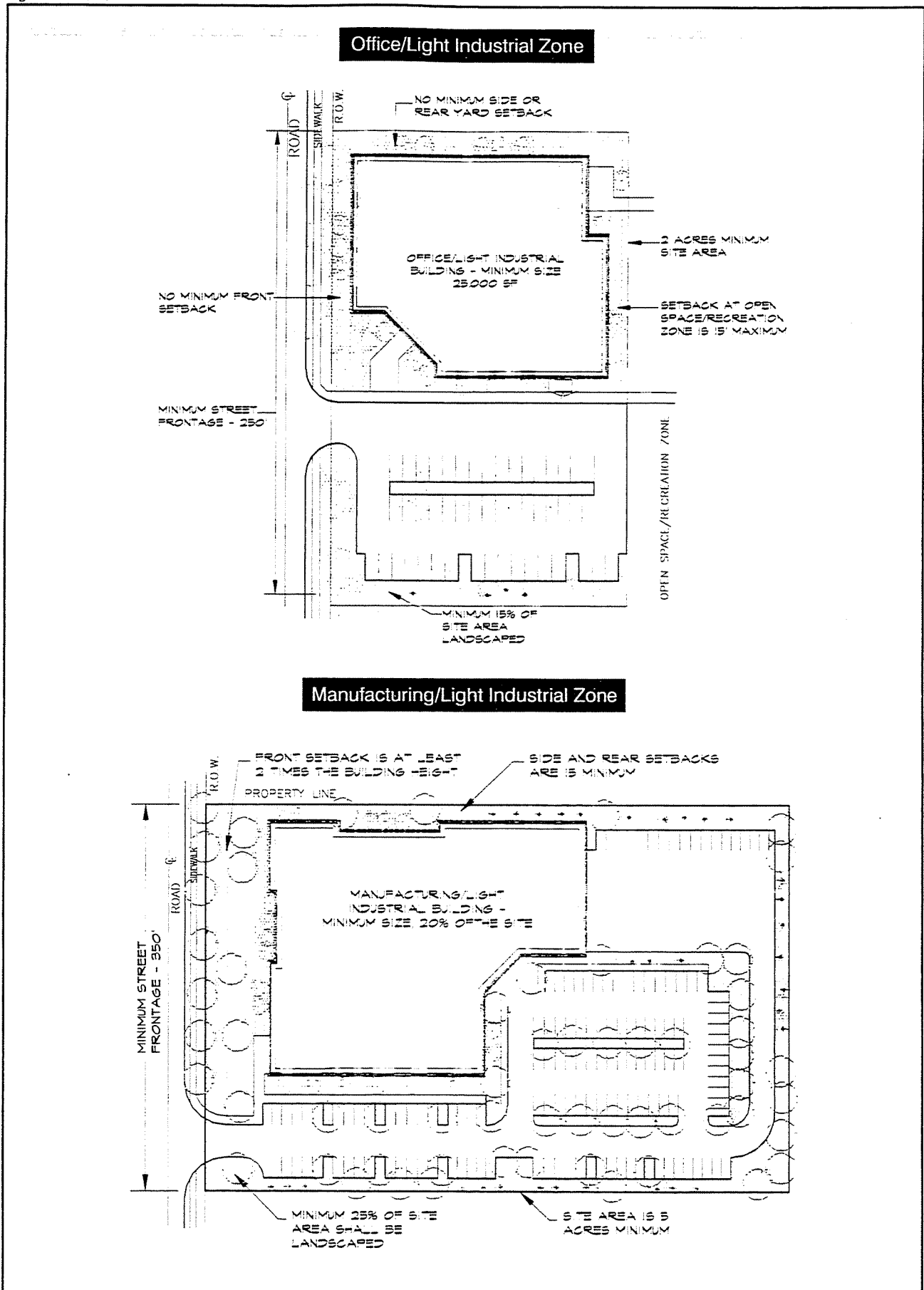
3.12.1 Setting

The setting of the Union Ship Canal would change from vacant structures, remnants of structures, and sparse vegetation to low-scale office buildings with a combination of manicured lawns and naturalized areas. This change should be beneficial to most observers. In addition, public access would be incorporated into the development plan. Natural areas, including the Union Ship Canal and wetland areas located south of Tifft Street would be preserved.

3.12.2 Urban Design Considerations

Implementation of the Union Ship Canal District would result in long-term changes to the urban design characteristics of the area. The effects would be beneficial to the urban environment because abandoned industrial buildings and debris would be removed.

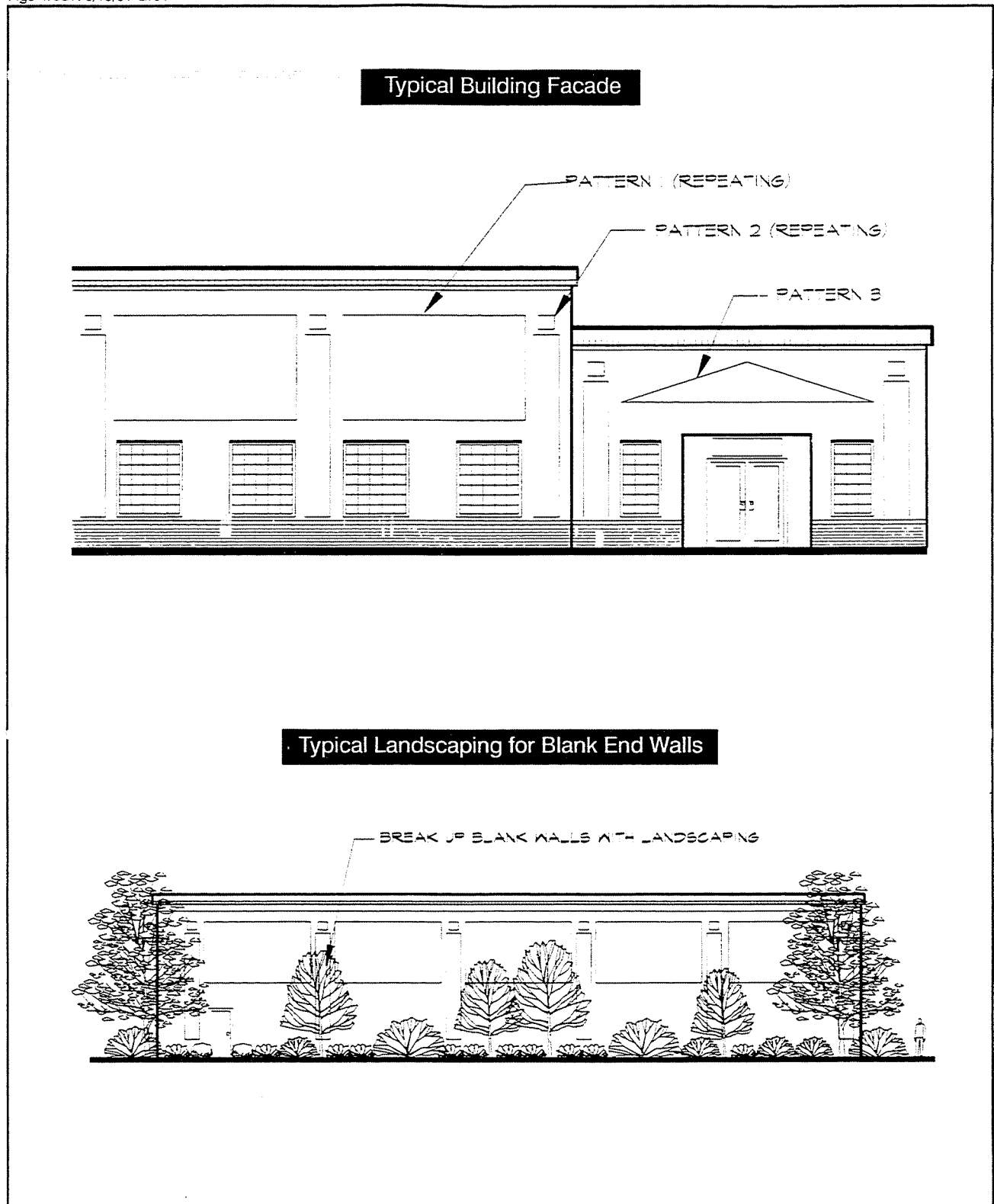
Building siting and design would be in conformance with the zoning document (see Appendix 5) that contains specifications for design and development. This document provides design guidance for buildings that are facing public streets and open space zones (see Figure 3-3). No blank walls or loading areas are allowed to face public streets, NYS Route 5, waterways, or open space zones. Figure 3-4 presents how blank walls are to be designed and landscaped. Architectural features and patterns would be selected to provide visual interest, establish a pedestrian-level streetscape to



SOURCE: Peter J. Smith, Inc. 2001

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Figure 3-3 TYPICAL SITE LAYOUTS



SOURCE: Peter J. Smith, Inc. 2001

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**Figure 3-4 TYPICAL BUILDING FACADE AND
LANDSCAPING FOR BLANK END WALLS**

3. Environmental Impacts and Mitigation Measures

reduce the scale of proposed buildings, and create facades that have a repeating pattern with no less than three color, texture, and material-module changes (peter j. smith, inc. 2001). The scale of the buildings would be compatible with the surrounding development and pedestrian circulation. In addition, the buildings would be harmonious with the natural vegetation.

Proposed site improvements associated with the development of the area would offer streetscape and urban design elements to the area including architectural detail on building facades, sidewalks, landscaping, benches, outdoor eating areas, and underground utilities. These streetscape elements of the project would serve to create a positive visual impact. The components of the site designs will be determined by the site plan review process of the City of Buffalo Planning Board.

3.12.3 Visual Resources

Important visual resources in the proposed Union Ship Canal District area would be maintained and enhanced by providing public access to areas designated for open space and recreation. As a result, the Union Ship Canal District would improve access to existing views that are perceived as valuable to the community. This District would also improve the view of the land from Lake Erie, Route 5, the City of Lackawanna, and the entranceway to the City of Buffalo.

4

Cumulative Impacts

A cumulative impact is an impact on the environment that could result from the incremental impact of the proposed action when added to other past, present, or reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions that take place over time. Potential cumulative impacts associated with the proposed Union Ship Canal District include the following:

- Furthering the City of Buffalo and the State of New York initiatives and programs aimed at redeveloping abandoned urban industrial brownfields in order to stimulate development in urban areas rather than in suburban greenfields, and
- Proposed projects in the area that could contribute to impacts along with the proposed Union Ship Canal District.

This GEIS analyzed the impacts of a full build-out scenario in terms of jobs, traffic, taxes, community services, utilities, and natural resources. Full buildout would be completed in six to 10 years. Beneficial impacts of a project of this size in furtherance of City- and state-stated policies and programs aimed at brownfield redevelopment include the following:

- Conversion of land use from vacant, former heavy industrial to office, light industrial, and manufacturing, therefore eliminating adverse impacts associated with currently permitted uses such as junkyards, heavy industrial facilities, freight terminals, and others;
- Preservation of wetland and open space areas with enhancement of public access to Lake Erie;
- Cleanup of abandoned industrial sites; and

4. Cumulative Impacts

- Achievement of the City goal of brownfield redevelopment and getting these sites back into productive office/light industrial uses.
- Provision of an opportunity for business investment and job creation with the potential for 11,000 jobs within the city; and
- Preservation and restoration of the NRHP-eligible Union Ship Canal and subsequently providing for increased public access and enjoyment of this resource in a safe manner.

In addition, redevelopment of the Union Ship Canal District will serve to achieve the goals and objectives of the State of New York's and Governor Patacki's "Rebuild New York Now" program, aimed at making brownfields throughout the state "shovel-ready" for subsequent redevelopment.

Proposed projects within the area of the Union Ship Canal District include the following:

- Southtowns Connector Highway project,
- National Fuel Gas Supply Corp. pipeline, and
- New Village Industrial Park and Steelawanna Industrial Park.

The Southtowns connector is a proposed highway project that would provide easier access between Buffalo and suburban communities located to the south. Many alternatives were evaluated and the study is on hold due to funding considerations. If the proposed project continues, the Union Ship Canal District would be considered in order that the project does not conflict with the highway and to enhance traffic flow to the site.

National Fuel Gas is in the process of preparing a filing with the Federal Energy Regulatory Commission for a proposed natural gas pipeline to be located along the railroad corridor. If approved, this pipeline should not conflict with the proposed development. National will have to evaluate the impacts of their proposed pipeline on the proposed Union Ship Canal District.

The New Village Industrial Park and the Steelawanna Industrial Park are located in Lackawanna, south and east of the Union Ship Canal District. These business parks would attract businesses similar to the Union Ship Canal District. Established uses in the parks are compatible with the proposed Union Ship Canal District

due to the growth of medical research and products; professional support centers; logistics, distribution, and trade; and technology-intensive manufacturing. The New Village Industrial Park is essentially complete, therefore, cumulative impacts would involve an increase in traffic in the area. The proposed Union Ship Canal District construction would be completed in phases so cumulative impacts with other construction efforts in the area would be minimized.

5

Irreversible and Irretrievable Commitment of Resources

Site preparation and the subsequent construction and operation in the Union Ship Canal District will require the irreversible and irretrievable commitments of certain human, material, and financial resources. Energy resources, principally in the form of gasoline, diesel fuel, and electricity (nonrenewable forms of electricity) will be an irreversible loss during construction and natural gas and electricity will be committed to the operation of the development. The demolition of the Hanna Furnace buildings that currently are located on site would result in the irreversible loss of an NRHP-eligible facility. This would be mitigated by the cleanup of oil contamination as a result of the previous manufacturing processes that occurred on the site and by preparation of HAER documentation to record information on this potentially historic structure.

The Union Ship Canal District involves the initial investment of public and private funds. A portion of these funds may be recouped over the long-term operation of the development through job creation and retention. However, the expenditure of these funds in the short term is deemed worthwhile because it will promote the reuse and development of a vacant former industrial brownfield in the City of Buffalo instead of a greenfield site in the suburbs. The city will expend funds for environmental studies but will benefit in the long term by the return of portions of this underutilized, abandoned property to the tax base and will result in the direct creation and retention of jobs in the City of Buffalo.



5. Irreversible and Irretrievable Commitment of Resources

6

Unavoidable Adverse Effects

The proposed Union Ship Canal District is consistent with the city-wide goals, objectives, and policies identified in the City's Comprehensive Planning process. The Union Ship Canal would offer development sites that are currently not available to the City of Buffalo and help achieve the goal of making brownfield site redevelopment a priority. Adverse effects of the development include the following:

- Increased demand on community services such as emergency and medical services;
- Increased demand on utilities and infrastructure including water, gas, and electric use and increased generation of solid wastes;
- Temporary increase in air emissions as a result of construction of the developments;
- Increased traffic, especially during peak morning and afternoon periods Monday through Friday; and
- Demolition of the remains of the Hanna Furnace structure(s).

While the proposed development would slightly increase demand for community services and infrastructure as noted above, it is important to note that the former development at this site required a far greater demand for community services and infrastructure. In other words, while the demand generated from the proposed development is greater than current conditions, it is significantly less than was generated by historical use of the site.

Development in the proposed Union Ship Canal District would be controlled through design and site plan review by the city's



Planning Board. If a proposed development is not consistent with the zoning amendment or this Generic EIS, a Supplemental GEIS would be prepared.

7

Growth-Inducing Aspects of the Proposed Action

The proposed action has a significant growth-inducing aspect. Redevelopment of the proposed Union Ship Canal District is expected to increase the economic activity in the City of Buffalo and City of Lackawanna through the amount of new construction and long-term salary and procurement expenditures by private businesses. Employees would spend a portion of their disposable income in the regional economy, including local shops and services in their neighborhoods. Businesses investing in the proposed Union Ship Canal District would require services and supplies from other merchants and businesses throughout Western New York. Over the 6- to 10-year development period and beyond, the proposed action could be expected to induce new growth in businesses and support services.

Growth would be considered a positive impact because the decline in population and economic activity over the past 30 years has left the City of Buffalo with excess infrastructure. Developing this area back for productive use (i.e., one that is less intense than previous heavy industrial use) makes more efficient and cost-effective use of existing urban infrastructure and provides an alternative to extending infrastructure into suburban greenfields.

Use of existing under-utilized urban infrastructure to support redevelopment of vacant lands within the City of Buffalo as an alternative to extending new infrastructure into suburban greenfields to support similar development is necessary component for fighting urban and suburban sprawl. While the Union Ship Canal development will result in growth, it is the kind of urban-focused growth that needs to be encouraged throughout the Buffalo/ Niagara Region to counteract the urban sprawl that is so evident in the area.

A vast area of South Buffalo, including the proposed Union Ship Canal District, has been vacant and abandoned since the City's loss

7. Growth-Inducing Aspects of the Proposed Action

of the steel-making and related industries. These industries employed thousands of workers that lived in the City of Buffalo and the City of Lackawanna, utilizing area roadways and city services, but also contributing to the life of these cities—neighborhoods shops and services, home improvement and maintenance, and community organizations and civic groups. The growth-inducing aspects of the proposed action are considered positive.

8

Effects on the Use and Conservation of Energy

Development projects associated with the proposed Union Ship Canal District will require the use of energy during construction and operation. Construction will require the use of energy, mostly in the form of gasoline, diesel fuel, and lubricating oils. Operation will require the use of energy for heating and cooling buildings and manufacturing processes. The zoning document encourages energy conservation through the use of solar structures and protection to prevent blockage of the sun.

Indirect energy use would also be associated with gasoline use of employees commuting to the Union Ship Canal District. Development proposals would be required to provide locations of bus stops and shelters in their design plans to be compatible with the guidelines established by the Niagara Frontier Transportation Authority in *Building for Tomorrow: A Guide to Transit-Friendly Designs for New Residential, Commercial, and Light Industrial Developments in the Niagara Frontier* (1997 and updates) (peter j. smith, inc. 2001).

9

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