

APPLICATION

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
1996 CLEAN WATER/ CLEAN AIR BOND ACT
ENVIRONMENTAL RESTORATION PROJECTS-TITLE 5

Part 1

NAME OF APPLICANT (Municipality): City of Buffalo

TYPE OF ENVIRONMENTAL RESTORATION PROJECT: (Check one) Investigation ☐ Remediation ☒

PROJECT NAME: Hanna Furnace Subparcel 3 (Union Ship Canal)

PROJECT LOCATION: STREET ADDRESS: 4 Fuhrmann Boulevard

CITY/TOWN: Buffalo ZIP CODE: 14203 COUNTY: Erie

PROPERTY SIZE (acres): 20.1 LATITUDE: 42.8354 N LONGITUDE: 78.8499 W

APPLICANT CURRENTLY OWNS PROPERTY: YES ☒ NO ☐
(If yes, include proof of ownership with application)

PROPERTY IS LISTED ON NYS REGISTRY OF INACTIVE HAZARDOUS WASTE SITES: YES ☐ NO ☒
(If yes, fill in current registry classification) CLASSIFICATION

TYPE OF KNOWN OR SUSPECTED CONTAMINATION: Petroleum ☐ Other Hazardous Substances ☒

PROJECT DESCRIPTION: Please attach a description of the project which includes the following components: (Refer to Environmental Restoration Projects Procedures Handbook for detailed instructions)

- Purpose and Scope of the Project;
- Environmental History of the Property;
- Proposed Future Use of the Property;
- Estimated Project Cost;
- Other Actual or Potential Funding Sources for the Project;
- How the Project Would Satisfy the Criteria of ECL 56-0505; and
- Site Maps (USGS quad map and a property tax map)

SCHEDULE: Field work will commence within 12 months of Department approval of the application.

Part 2 (To be completed for Remediation applications only)

The DEC has issued a Record of Decision for the property? ☐ Yes ☒ No
Groundwater or a surface water body has been contaminated above standards. ☒ Yes ☐ No

If yes, answer a, b or c below:

- ☐ a. The influent to a public or private water supply has been contaminated or threatened.
- ☐ b. A class A or AA surface water body, primary or principal aquifer has been contaminated without affecting an existing water supply.
- ☒ c. Groundwater has been contaminated above standards or a surface water has been impacted.

A health advisory has been issued by a New York state or local health agency due to releases from the site. ☐ Yes ☒ No

Endangered, threatened or rare species, State protected streams or State regulated wetlands have been impacted by releases from the site. ☐ Yes ☒ No

Site contaminants are present in soils/waste at levels that exceed DEC Division of Environmental Remediation guidance values (DHWR TAGM 4046 or STARS Memo #1). ☒ Yes ☐ No

Property is located in a designated economic development zone or zone equivalent area. ☒ Yes ☐ No

All or part of the Property has been idle or abandoned for more than one year. ☒ Yes ☐ No
If yes, indicate the percent of the total property that applies 100 %

Municipality has a signed agreement with a private party to reuse the property once it is restored. If yes, attach a copy of the agreement. ☐ Yes ☒ No

Municipality has legally committed to a specific new public or recreational use of all or part of the property. (Public use includes, but is not limited to, public housing, daycare, education, gov't. offices, environmental centers, and museums. Recreational use includes, but is not limited to, parks, playgrounds, sports and cultural centers, and scenic vistas.) If yes, attach documentation of the legal commitment and indicate below the intended use and the % of the total property area that will devoted for that use. ☒ Yes ☐ No

Intended Use: recreational green space (0-100%) 100%

Municipality is aware of other funding sources for remediating the property. ☐ Yes ☒ No

If yes, provide source(s) and dollar amount(s) in the attached project description.

Municipality has complied with State Environmental Quality Review Act (SEQR) regarding this action. If yes, include the determination (negative declaration or findings statement) in the attached project description and identify all involved agencies in the coordinated review. ☒ Yes ☐ No

Part 3

INDIVIDUAL AUTHORIZED TO SIGN APPLICATION: (Please Print)

NAME Anthony M. Masiello TITLE Mayor

MAILING ADDRESS

65 Niagara Square

Buffalo, New York 14202

PHONE NUMBER: (716) 851-5054 FAX NUMBER: (716) 854-0172

CERTIFICATION: The undersigned on behalf of the applicant municipality does hereby certify that:

The Applicant has not generated, transported or disposed of, arranged for, or caused the generation, transportation or disposal of hazardous substance on that Property, and has not undertaken, and will not undertake, any indemnification obligation respecting a party responsible under law for the remediation of the Property; and,

if the applicant leased such property to another party that generated, transported or disposed of, or that arranged for or caused the generation, transportation or disposal of hazardous substances on such property, the applicant did not know that such other party generated, transported or disposed of, arranged for or caused the generation, transportation or disposal of such hazardous substances or so knew and took action to remediate, or cause the remediation of such hazardous substances.

No other funding sources currently exist to undertake the project except the applicant's and those other sources identified in this application ; All statements made for the purpose of obtaining State assistance for the proposed project either are set out in full on this application, or are set out in full in exhibits attached to this application and incorporated by this reference;

The individual whose signature appears hereon is authorized to sign this application for the applicant.

A FALSE STATEMENT MADE HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW

Emily M. Masella
Signature of individual authorized to sign application

1/5/04
Date

FOR STATE USE ONLY:

DATE RECEIVED _____
DATE COMPLETE _____
DATE APPROVED _____

PROJECT NO. _____

Rev. December 15, 1997

**City Clerk's Department
BUFFALO**

December 26, 2003

HON. ANTHONY M. MASIELLO

MAYOR OF BUFFALO

DEAR SIR:

Pursuant to the provisions of Section 3-19 of the Charter, I present herewith the attached resolution item.

No. 166 Union Ship Canal

PASSED December 23, 2003

Charles Michaux III
City Clerk

90-11-12 03/10/03
CITY CLERK
DEC 23 2003

By: Mrs. Martino

000166

SUBJECT: Union Ship Canal

Whereas: On February 19, 2002, this body, as lead agency, accepted the Final Generic Environmental Impact Statement and subsequently accepted the Finding s Statement of the Union Ship Canal Development Project GEIS; and

Whereas: The action as described in the project's Final GEIS is to return this former industrial property to productive use through: infrastructure improvements, rezoning for appropriate industrial and commercial uses; and to create a waterfront park that provides access to the canal thereby enhancing surrounding property for commercial development; and

Whereas: Prior to developing the 22 acre public access park, environmental investigations have indicated that remediation of the parcel will be necessary; and

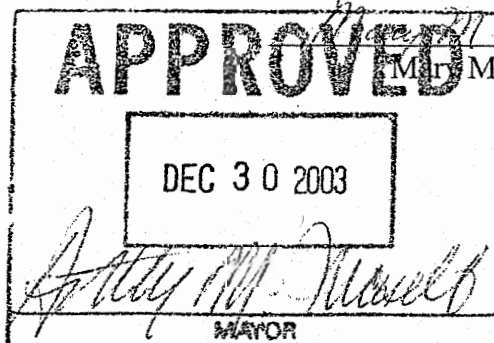
Whereas: In order to fund the costs of remediation, we find it in the City's interest to apply to New York State for a remediaton grant pursuant to the 1996 Clean Air /Clean Water Bond Act. This act permits municipalities to be reimbursed for 90% of costs incurred in undertaking a remediation pursuant to said program; and

Whereas: The County of Erie has committed to providing the City of Buffalo's 10% share of these costs pursuant to the terms and conditions of an agreement entered into between the County of Erie and Development Downtown, Inc. dated June 29, 2001 and an agreement entered into between the Development Downtown Inc. and the City of Buffalo dated June 2001; and

Now, Therefore, Be It Resolved:

That this body hereby authorizes the Mayor to execute any and all documents necessary to apply for and accept funding from New York State pursuant to the 1996 Clean Air/ Clean Water Bond Fund to remediate the 22 acre City owned portion of the Union Ship Canal redevelopment property.

PASSED



PROJECT DESCRIPTION

Purpose and Scope

The purpose of the remediation project is to comply with the Record of Decision issued by the NYSDEC for the Union Ship Subparcel 3 property, which will be developed as a public green space. Subparcel 3 is approximately 20.1 acres in area and surrounds the Union Ship Canal, a former commercial ship slip previously utilized by Hanna Furnace Corp. The remediation will focus on the following:

- Clearing and grading the site in preparation of installing a soil cap. This will include the removal and transporting off-site significant amounts of material illegally disposed of on-site;
- Installing and hydroseeding a soil cap over approximately 12.5 acres of the site, primarily in the north and east sectors of the property;
- Preparing an engineering report of the cap construction activities; and,
- Monitoring and maintaining the cap to insure compliance with the NYSDEC Record of Decision;

It is anticipated that remediation activities will be initiated during the 2004 construction season. Final schedule will be determined following the retention of a consulting environmental engineering firm contracted to perform the remediation.

A remediation program on this site is recommended given the present site conditions and proposed end use. During the remediation any potential environmental impacts posed by past on-site uses, adjacent uses and on-site materials will be addressed in compliance with the State issued Record of Decision.

Environmental History of the Property

Subparcel 3 was once part of a larger property where the Hanna Furnace Corporation manufactured pig iron and is located at 3 Furhmann Boulevard in the City of Buffalo. The area immediately south of the canal and north of the former manufacturing area was used to unload and store iron ore and limestone brought in to the site by ship and barge. The limestone and ore were placed on large concrete pads that occupy the majority of the southern portion of Subparcel 3. These pads are approximately four feet thick.

The Hanna Furnace property was subdivided into lots for commercial/light industrial development, with Subparcel 3 being set aside for recreation green space and public access to the waterfront. The City took title to the property through the in-rem process in 1997.

Numerous environmental assessment activities have taken place on the Hanna Furnace property, including Subparcel 3. These investigations included a Clean Air/Clean Water Bond Fund SI/RAR that was completed in 2003. NYSDEC, Region 9 has indicated that a Record of Decision (ROD), will be issued in March 2004. It is anticipated that the ROD will recommend that a portion of Subparcel 3 be remediated prior to redevelopment into public green space.

Proposed Future Use of the Property

The future use proposed for this property is recreational parkland.

Estimated Project Cost

The estimated cost for site remediation is \$1,000,000.00.

Other Actual or Potential Funding Sources for the Project

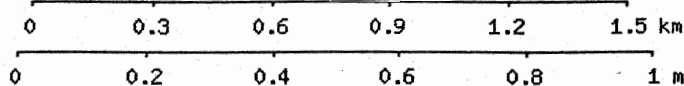
There are no other Actual or Potential Funding Sources for this project.


How the Project will Satisfy the Criteria of ECL 56-0505

This project would expeditiously remediate the proposed park property and lead to the most effective remedial alternative for the site. The cleanup of the property will mitigate environmental concerns detected during the Site Investigation regarding the safe use of the property by the public. Once the cleanup has occurred the property can then to be used for public recreational purposes.

Site Maps

Attached





 $M = -10.736$

 $G = 1.463$

NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW

FINDINGS STATEMENT

Pursuant to Article 8 [State Environmental Quality Review Act (SEQRA)] of the Environmental Conservation Law (ECL) and 6 NYCRR Part 617, the City of Buffalo, as Lead Agency, has made the following findings:

1. Name of Action

Development of the Union Ship Canal District

2. Location

The Union Ship Canal District is located along the Lake Erie waterfront in the south section of the City of Buffalo, New York. It is roughly bounded by Tift 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.

3. Description of Action

The action as described in the project's Final Generic Environmental Impact Statement (FGEIS) is as follows:

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 currently owned by the City of Buffalo will be transferred to Development Downtown Inc. (DDI), a City of Buffalo 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 through:

- a) Infrastructure improvements; and
- b) Rezoning for appropriate industrial and commercial uses; and
- c) To create a waterfront park that provides access to the canal and enhances surrounding property values for commercial development.

The property would be rezoned to prevent future noxious uses incompatible with City and State Coastal Zone Management plans and policy goals for waterfront sites.

The purpose of the FGEIS is to assess impacts associated with the development of the Union Ship Canal District. The proposed actions of the FGEIS include the following:

- The acquisition and disposition of land, as necessary, by the City of Buffalo for public infrastructure and site development purposes;
- Public infrastructure development; and
- Rezoning

4. Lead Agency Jurisdiction

The City of Buffalo, as Lead Agency, will perform the following:

- Acquire and dispose of land, as necessary, for public infrastructure (roads, water, sewer, public spaces) and site development purposes.
- Undertake site preparation activities, including public infrastructure, to support the Union Ship Canal District development program. This would include executing funding and inter-municipal agreements with other levels of government for site preparation.
- Adopt new zoning provisions for the Union Ship Canal Development District.
- Review and approve subdivision plat.
- Review and approve individual lot development plans in accordance with City Site Plan Review regulations.

5. Date Final GEIS Accepted by Lead Agency

19 February 2002

6. Need for Supplemental Environmental Analysis

A Supplemental Environmental Impact Statement (SEIS) is a special impact statement that serves to supplement or amend a previously prepared and circulated draft, final or generic EIS. The objective of a SEIS is to provide involved agencies and the public with information about potentially significant environmental effects of an action that were not included in discussion within the earlier EIS.

Additional environmental analysis documented in a long Environmental Assessment Form (EAF) Positive or Negative Declaration and/or SEIS may be required to analyze impacts associated with the issues of:

- Potential floodplain and stormwater runoff impacts resulting from the setting of final grading plans at the time of subdivision platting;
- Significant changes to the permitted uses, area requirements, and/or development standards of the proposed Union Ship Canal District Zoning, at the time of such requests;
- Archaeology in developable areas of the site for which substantial prior ground disturbance cannot be documented;

- Historic preservation, where National Register Listed or eligible structures would be impacted; and
- Wetlands impacts, should modifying the delineated resource be proposed.

7. Facts and Conclusions in the FGEIS Relied Upon to Support the City of Buffalo Decision

a) Beneficial Impacts

- Implements a development plan balancing City and regional environmental protection and enhancement public policy considerations with social and economic public policy considerations.
- Provides opportunity for job creating investment within the City of Buffalo but benefiting Western New York residents.
- Long-term positive impact on land uses within and adjacent to the project site. The proposed zoning amendment would ensure development proposals are compatible with City development policies and State Coastal Zone Management Policies.
- Former urban heavy industrial sites (brownfields) would be returned to job creating and tax producing uses. Development of the Union Ship Canal District would provide an alternative to greenfield development in outlying areas of the region.
- Builds on existing urban infrastructure systems reducing overall development costs.
- Provides the opportunity to redevelop underutilized properties for commercial, industrial, and recreational uses.
- Sites water-enhanced uses along the waters edge.
- Provides quality of life enhancements by providing approximately 22 acres of waterfront open space surrounding the Union Ship Canal for public use and enjoyment.
- Provides large, serviced, shovel ready development sites that are currently not available or are only available in limited capacity within the urban area. Sites uses compatible with adjacent area land uses (industrial parks in Lackawanna, rail corridor, etc.)
- Buffers existing wetlands from development through the establishment of a 100 feet buffer.
- Provides opportunity for increased local, county and state tax revenues from real property and utility taxes, sales taxes and income taxes.
- Establishes quality urban design through the adoption of a new zoning ordinance with design guidelines. The zoning and design guidelines enhance views from the Union Ship Canal District to the water, from the water to the Union Ship Canal District, and from Route 5 to the Union Ship Canal District.
- Eliminates through rezoning the potential for locating noxious uses in the Union Ship Canal District.

- Potential to induce additional new investment in South Buffalo and Route 5 corridor.
- Implementation of mitigation measures with parcel developments will reduce potential exposures of contaminants associated with former steel manufacturing activities to people, and the environment. Site soils do contain residual materials from historic steel manufacturing. After extensive investigation, and consultation with the New York State DEC, and New York State DOH a soil cover system for portions of the City owned-site has been recommended, and therefore a suitable cover system designed to protect against future exposures is being required as a mitigation measure.

b) Alternatives Considered

Pursuant to SEQR, 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)

Under the preferred alternative, the Union Ship Canal District would include a mix of public and private, open space, and recreational 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.

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. 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.

▪ 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 goals and objectives of the project and the City's vision expressed in its Draft Comprehensive Plan.

- **Open Space**

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, would not meet the city's needs to expand job creation and retention opportunities and return former industrial sites back into revenue productive uses. 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 in the district are privately owned. If these parcels were rezoned as "park/nature preserve," this could impact the beneficial use of private property and may constitute a "taking" of the property if the development potential is inhibited.

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 tax base that does not adequately fund necessary municipal services at the desired level.

Park space/nature preserve uses at this site may 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.

- **No Action**

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.

The No-Action Alternative poses the potential for long-term adverse effects on the nearby and surrounding environment. The property could remain vacant or non-tax producing if left as is. 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 future site development costs.

The overall goals of the City are to create jobs, establish additional tax bases, and protect the environment and the health of its citizens. The Residential/Commercial Mixed-Use, Open Space, and No-Build Alternatives would not achieve the City's stated goals and objectives as well as the Mixed-Use Alternative.

c) Adverse Environmental Impacts

The potential adverse environmental effects that were identified in the EIS process were:

- Development may occur in portions of the district located in a 100-year floodplain.
- Potential modifications to the National Register eligible Union Ship Canal during canal wall repair.
- Nutrients, organics and eroded soils may run off into coastal waters during construction.
- Hazardous materials may be encountered during the construction of public infrastructure improvements and subsequent repairs and upgrades.
- Short- and long-term traffic especially in the peak morning and afternoon periods.
- Increases in demand for emergency services such as police, fire, and medical emergencies.
- Increases in water usage.
- Increases in sanitary and storm discharges.
- Generation of solid waste during construction and operation.
- Potential for air emissions during construction and operation.
- Potential for noise impacts during construction and operation.
- Potential for impacts near wetlands.
- Irreversible and irretrievable commitment of resources including energy resources during construction of operation and initial investment of public dollars to jumpstart the district development.

d) Mitigation

The following mitigation will occur within the development of the Union Ship Canal District development to minimize or avoid environmental impacts where practical.

- Developments would 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.
- The major portion of the site that is classified in the 100-year floodplain occurs contiguous to the canal, where public open space is proposed. The project would not allow structures that would increase flooding or erosion or endanger human lives. All development will be in accordance with federal floodplain management regulations. Top-of-slab-on-grade will be a minimum of 12 inches higher than the floodplain level.
- Implementation of suitable soil cover system (clean soil and vegetation, asphalt, or building pad) to reduce potential exposures of contaminants associated with former steel manufacturing activities to people, and the environment will be required.
- Repairs to Union Ship Canal walls would be undertaken in consultation with the New York State Historic Preservation Office.
- Wetlands would be protected and preserved through the inclusion of a 100 foot buffer zone provision within the proposed zoning ordinance.
- Best management practices will be implemented during construction and operation of the district to avoid impacts from stormwater runoff and combined sewer overflows.
- Site plan review would require traffic studies if it is estimated that roadway capacity would be exceeded by a specific development. The City of Buffalo Planning Board and City of Lackawanna would evaluate detailed traffic impacts for specific projects jointly.
- Bicycle lanes will be incorporated within the road network. The roadway system would also be designed to accommodate Metro buses, and provide ample access for pedestrians. The City will consult with NFTA to bring Metro buses into the District for access to jobs and recreational activities.
- Mutual aid agreements would be maintained between the cities of Buffalo and Lackawanna for emergency assistance.
- Water and sewer demand would be reviewed and approved during site plan review by the City of Buffalo Planning Board, City of Buffalo Department of Public Works, Buffalo Sewer Authority, and Erie County Sewer Authority. Details of demand for other utilities would also be considered during site plan approval.
- A utility corridor would be excavated and filled with clean fill to allow for the placement and future servicing of the infrastructure below grade.
- Construction and demolition material would be transported off-site or used on-site.
- Air quality emissions would be mitigated in the following manner:
 - Construction

- Construction equipment will be maintained and operated in accordance with manufacturer's recommendations; and
 - Dust generated during soil disturbing activities would be controlled with dust-suppression techniques such as application of water or agglomerating techniques.
- Operation
 - The proposed zoning ordinance would prohibit the emission of dust, fumes, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emissions in quantities that can be detected beyond the lot line.
- The City of Buffalo Noise Ordinance (Chapter 293) would be supplemented by additional language in the proposed zoning amendment. The proposed zoning language includes 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 would be required and submitted to the City of Buffalo Planning Board during the site plan review process.
- Phase I archaeological investigations would be warranted unless substantial prior ground disturbance could be documented.
- Wetland delineation surveys would be required at the north end of the district to prior to construction to ensure no wetlands would be impacted based on the design of a proposed development.
- The proposed zoning ordinance would encourage energy conservation through the use of solar structures. Design guidelines would prevent blockage of sun and solar equipment by development on adjacent parcels.
- In an effort to promote the use of public transportation and reduce gasoline usage, the City, DDI and NFTA would jointly identify potential locations for bus stops and shelters in public infrastructure development plans.

e) Unavoidable Adverse Impacts

The proposed Union Ship Canal District development program is consistent with the citywide 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.

After all mitigation measures are implemented the following unavoidable adverse impacts will remain:

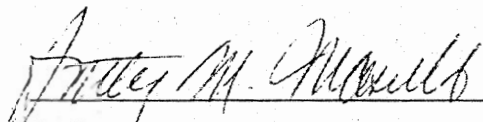
- Increased demand on community services such as emergency and medical services;
- Increased demand on utilities and infrastructure including water, gas, and electric use;
- Increased generation of solid wastes;
- Temporary increase in air emissions as a result of construction of the developments;
-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

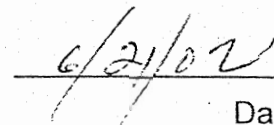
8. Certification of Findings to Approve/Fund/Undertake

Having considered fully the Draft and Final GEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The Requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the generic environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decisions those mitigative measures that were identified as practicable.

CITY OF BUFFALO


 Anthony M. Masiello, Mayor


 Date

Address of Agency:

65 Niagara Square
 Room 201
 Buffalo, New York 14202

Common Council Adoption C.C.P. 165 2002, Item Number _____

INVOLVED AGENCY LIST

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Buffalo, New York

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NYSDEC
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Albany , New York 12233

Hon. John Kuryak
Mayor, City of Lackawanna
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Lackawanna, New York, 14218

Nicholas Monafo
Lackawanna Economic Development Corp.
714 Ridge Road
Lackawanna, New York 14218

Paul Leuchner
Army Corps of Engineers
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Brian Rowback
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Rath Building
Buffalo, New York

Dr. Anthony Billitier
Commissioner
Erie County Department of Health
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Federal Highway Administration
Division Office HAD-NY
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Albany, New York 12188

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Buffalo, New York

Sandy Treadwell
New York State Department of State
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Albany, New York 12231

Matthew Forcucci
NYSDOH
584 Delaware Ave.
Buffalo, New York

Governor's Office of Regulatory Affairs
107 Delaware Avenue
Buffalo, New York

Clerk of the Erie County Legislature
Rath Building
95 Franklin Street
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County Executive Joel Giambra
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95 Franklin Street
Buffalo, New York

Lawrence Rubin
Commissioner
Erie County Department of Environment & Planning
Rath Building
Buffalo, New York

David Pohle
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290 Broadway
New York, New York 10007

City of Buffalo
Planning Board
920 City Hall
Buffalo, New York

City of Buffalo
Department of Public Works
501 City Hall
Buffalo, New York

City of Buffalo
Department of Permits and Inspections
3rd Floor
City Hall
Buffalo, New York

City of Buffalo
Police Department
74 Franklin Street
Buffalo, New York

City of Buffalo
Fire Department
195 Court Street

Buffalo, New York

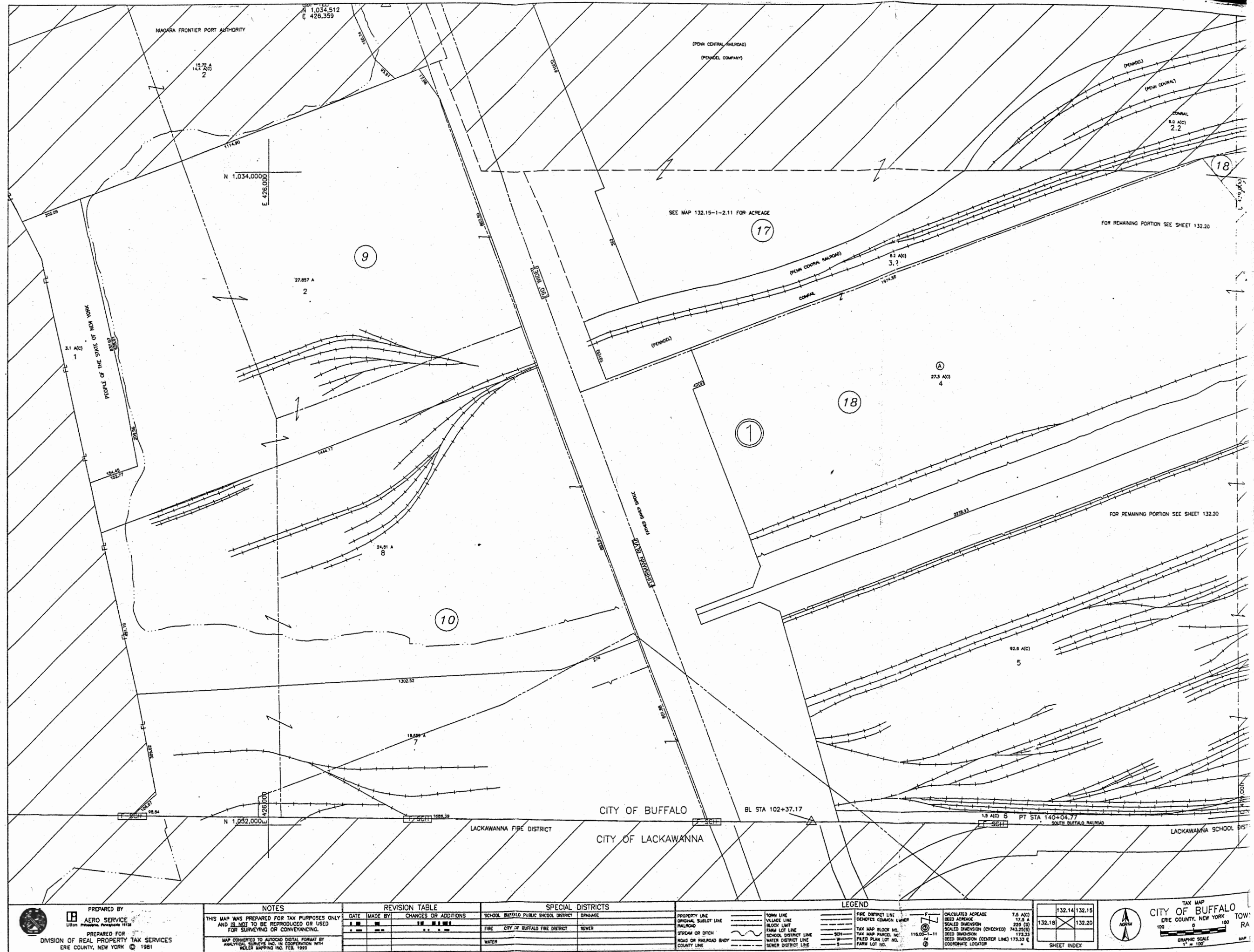
City of Buffalo Office of the Comptroller
1200 City Hall
Buffalo, New York

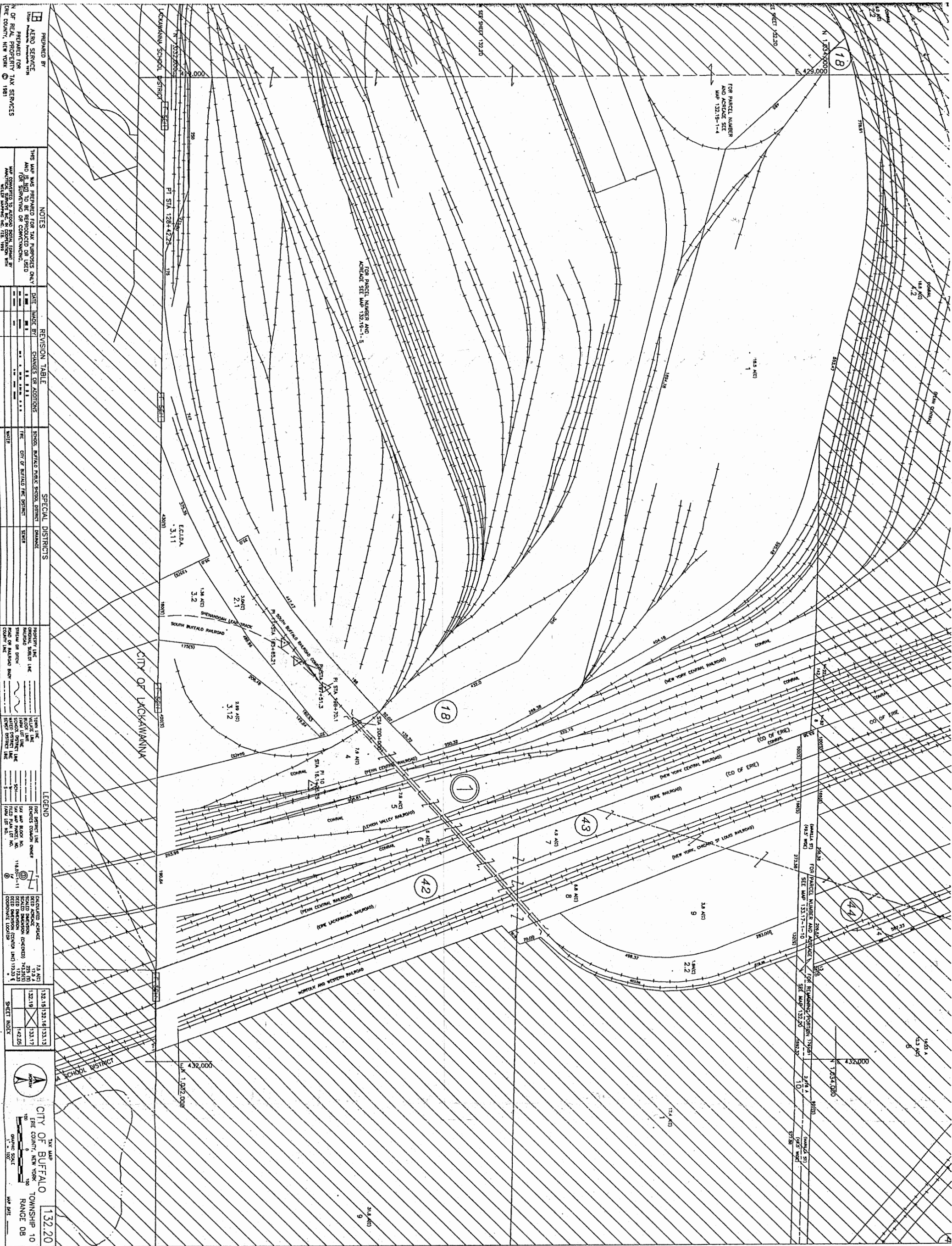
City of Buffalo
Environmental Management Commission
920 City Hall
Buffalo, New York

Buffalo Sewer Authority
1038 City Hall
Buffalo, New York

New York State Attorney General 's Office
Statler Towers
107 Delaware Avenue
Buffalo, New York

Peter Cammarata
Development Downtown, Inc.
617 Main Street
Buffalo, New York 14203



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