

General Project Plan

Ohio Street and Inner Harbor Infrastructure Improvements Civic Project

**Adopted
April 10, 2013**

Erie Canal Harbor Development Corporation

I. INTRODUCTION

The Erie Canal Harbor Development Corporation (“ECHDC”), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development (“ESD”) is providing design services and construction funding for the Ohio Street and Inner Harbor Infrastructure Improvements (the “Project”) in the City of Buffalo (“City”), Erie County (“County”), New York. The Project involves the reconstruction of Ohio Street, between New York Route 5 and Michigan Avenue, as well as trail wayfinding signage between Michigan Avenue and Main Street.

ECHDC is adopting this General Project Plan (“GPP”) in accordance with the New York State Urban Development Corporation (“UDC”) Act, which permits ESD and its subsidiaries to undertake activities in furtherance of “Civic” projects in areas where there is a need for the educational, cultural, recreational, community, municipal, or public service facility. Support for these findings is discussed herein.

II. BACKGROUND

A. Southtowns Connector/Buffalo Outer Harbor Project

The reconstruction of Ohio Street was included in the Federal Highway Administration’s January 31, 2007 Record of Decision for the New York State Department of Transportation’s (NYSDOT) Southtowns Connector/Buffalo Outer Harbor Project. The Ohio Street build alternative included a three lane (two travel lanes and a center turn lane) section within the existing curb-to-curb width of the roadway and streetscape improvements to provide safe pedestrian, bicycle, and transit access. In addition, this project component included construction of a segment of the Industrial Heritage Trail along the west side of Ohio Street and the east side of Ganson Street, including a sidewalk marked with commemorative medallions with locations for interpretive stations. New street lighting and landscaping were also included in the design.

The NYSDOT study indicated one structure that is eligible for inclusion on the State and National Registers of Historic Places (NRHP) would be affected by the preferred alternative - a truck/train transfer station located at 630 Ohio Street. A non-standard curve currently exists at this location. To correct this feature as part of the Ohio Street reconstruction, the structure would have to be removed or relocated. A series of measures to avoid, minimize, or mitigate the adverse effect to or taking of 630 Ohio Street were reviewed for feasibility. In consultation with the State Historic Preservation Office (SHPO), NYSDOT has determined that the impact to the structure cannot be avoided and will undertake specific measures to mitigate this adverse effect as part of the final design and implementation of the Ohio Street reconstruction. The mitigation measures would involve subsequent documentation efforts and incorporation of the project to enhance overall interpretation of the industrial heritage of the City of Buffalo and specifically the historic features along the Buffalo River in the Old First Ward:

- Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) recordation of the Truck/Train Transfer Building at 630 Ohio Street prior to its removal for the realignment of Ohio Street.
- Coordination with the SHPO, City of Buffalo, and the Industrial Heritage Committee, Inc. to implement a portion of the interpretative program associated with the proposed Industrial Heritage Trail. This would involve development and installation of up to five interpretative stations along Ohio Street and/or Ganson Street providing information on features along the trail and trailblazing signage along portions of the proposed trail coinciding with road segments proposed for improvements.

B. Ohio Street Concept Masterplan

In 2011, the ECHDC began working with several business owners in the First Ward community and Cobblestone District to review the 2007 NYSDOT preliminary plans and make recommendations for the current Ohio Street project. A Concept Masterplan, using the approved 2007 NYSDOT plans as a base and recognizing recent developments within the Project Area, was developed as the basis for this Project.

A series of meetings were held with property owners and regional stakeholders to better understand the community's desires for the corridor. While the majority of the NYSDOT plans were found to be acceptable and still relevant, a few key items were requested to be changed. First, the removal of 630 Ohio Street was found to be unacceptable given the recent investment by the building's owner and the uniqueness of the former railroad-era facility. Second, the planned cul-de-sac at the end of Louisiana Street would have sent considerable heavy truck traffic down Ohio Street, along the section that is now fronted by parks and frequented by residents. Overall, the community's vision for Ohio Street was one of neighborhood pride, safety, access to the water, and a connection to other parts of the city and its waterfront.

The reconstruction of Ohio Street was then conceived by ECHDC as a complete street and "green" waterfront arterial which would connect the burgeoning Canalside development with the Cobblestone District and First Ward neighborhood, linking key areas along Buffalo's re-emerging Buffalo River. The Project would also connect several recently constructed and planned development projects including Riverfest Park, the Buffalo Scholastic Rowing Association Boathouse, Silo City and the reuse of an Erie Canal era warehouse. The Project would also recognize the "neighborhood" section (between Louisiana Street and Michigan Avenue) versus the active industrial section (between NY Route 5 and Louisianan Street).

The Concept Masterplan reduced the design speed, re-aligned the non-standard curve, and shifted the alignment in order to retain the truck/train transfer station located at 630 Ohio Street. Although no longer required as mitigation for the loss of the building, the Concept Masterplan included several locations and physical elements to further interpret the historical nature and industrial heritage of the corridor. The Concept Masterplan also retained the four-

legged intersection with Louisiana Street, allowing heavy truck traffic to maintain its current routing.

III. PROJECT LOCATION

The Project corridor is located along a 1.4-mile stretch between New York Route 5 (Outer Harbor Parkway) and Michigan Avenue in the First Ward neighborhood of Buffalo, New York (see **Figure 1**). The Project corridor is an urban arterial connecting the Cobblestone District and the Outer Harbor, while running parallel with the Buffalo River for most of its length. The corridor is located adjacent to Father Conway Park, Riverfest Park, and the New York State Department of Conservation Boat Launch, as well as in proximity to the Seneca Buffalo Creek Casino complex, the First Niagara Center and Canalside.

IV. PROJECT GOALS/OBJECTIVES

The (NYSDOT) Southtowns Connector/Buffalo Outer Harbor project was developed to facilitate economic development activities by:

- Improving road access to targeted redevelopment sites in the vicinity of the Lake Erie waterfront in the City of Buffalo, City of Lackawanna, and Town of Hamburg;
- Enhancing the vehicular access of local roads as well as the access of other modes of travel (bicycles, pedestrian, transit) to and along the Lake Erie waterfront;
- Maintaining adequate service for commuter/commercial traffic between Downtown Buffalo and Southtowns communities (i.e., Lackawanna, Hamburg, and other outlying towns and villages south of the City of Buffalo);
- Support local and regional planning policies and strategies;
- Minimize adverse impacts on communities and the environment by avoiding an inequitable distribution of impacts and maintaining neighborhood and community cohesion.

The Ohio Street segment of the project was intended to achieve the following goals:

- Improve Ohio Street's function as primary local connector between Downtown Buffalo and waterfront local road alternative to Buffalo Skyway;
- Act as catalyst for renewal of Buffalo River/Old First Ward neighborhood and NFTA Outer Harbor lands;
- Provide streetscape/traffic-calming improvements to foster private development of adjacent vacant and underutilized parcels;

- Realize major portion of Industrial Heritage Trail and highlight access to Buffalo's collection of historic grain elevators to foster development of revitalization/heritage district.

V. PROJECT DESCRIPTION

A. Ohio Street and Inner Harbor Infrastructure Improvements

The reconstruction of Ohio Street would be in compliance with the City's Complete Streets ordinance.

The full-depth reconstruction of Ohio Street would provide for a new two-lane roadway. Within the "active industrial" section (NY Route 5 to Louisiana Street), a center-turn lane would be added to facilitate truck movements at driveways and intersections. On-street parking would be added along a portion of the "neighborhood" section due to the parking demand at Riverfest Park, Father Conway Park and the Boat Launch facility. New coordinated traffic signals and a pedestrian-activated crosswalk signal would be installed along the corridor, along with upgraded traffic signs.

Public and private utilities would be installed to provide basic infrastructure so that the development properties along the corridor are considered shovel-ready. In addition to utility stubs, driveway locations would be coordinated with property owners to ensure that future "cutting" of the new roadway is minimized. Storm drainage would be completely replaced, and where possible, innovative stormwater treatments (i.e., "green infrastructure") would be used to reduce environmental impacts. Green infrastructure would be used to assist the Buffalo Sewer Authority in meeting its combined sewer overflow reduction commitments.

Several landscaped pocket parks would also be included, including at the former Ohio Basin inlet (aka Dead Creek) and Louisiana Street intersection, with several others coordinated for future work. The pocket park work would be designed and constructed to maintain an overall theme/feel along Ohio Street.

A multi-use pathway along the west side and a sidewalk along the east side would be included, as well as new street lighting, trees, crosswalks, interpretive elements and wayfinding signage. Street lighting would be owned and operated by the City under a new lighting district using LED lights. The interpretive elements would include a bridge installation over Dead Creek based on a former truss swing bridge located at the site. The Dead Creek area will be highlighted due to its former use as the entrance to the Ohio Basin, a turning basin integral to Erie Canal, Buffalo River and First Ward history. The wayfinding signage would be designed to Erie County standards and include the Shoreline Trail (Erie County), Buffalo River Greenway Trail (Buffalo Niagara Riverkeepers) and Industrial Heritage Trail (Industrial Heritage Committee and Western New York Railway Historical Society).

B. Activities Authorized to Facilitate the Project

To facilitate the actual development of the Project, it is anticipated that a number of activities will be undertaken to secure site control; assign Project responsibilities; and undertake planning, design and construction management. These are discussed in the following sections.

1. Agreements among the Participating Agencies/Entities

The Project would involve a number of agreements among the various entities involved in the Project that would govern site control and design/construction activities and assign respective responsibilities to the various parties.

a. Funding Agreement

It is anticipated that a Funding Agreement would be entered into by ECHDC, the City, and potentially the Buffalo Sewer Authority for the Construction Phase of the Project. This agreement would specify the respective responsibilities of each of the agencies in the realization of the Ohio Street Project. It is anticipated that these terms would include the following:

- The City, under a Federal Aid Agreement with NYSDOT, would manage the Project funds, including all federal, ECHDC, Buffalo Sewer Authority, and/or other betterment funds, through the Construction Phase and Project completion;
- The ECHDC would provide 20% local matching funds for all federal funds obligated for the Project, notwithstanding the use of Marchiselli State Aid;
- The Buffalo Sewer Authority would provide funds to construct, and maintain for a three-year period, all green infrastructure elements implemented as part of the Project;
- The City will operate and maintain all elements of the Project, as they are and will remain City property.
- At the completion of the Project, the City will continue its ownership/title to the street right-of-way.

2. Planning, Design Activities, and Project/Construction Management Activities

Procuring and managing the professional architectural/engineering (“A/E”) services for the final design phase of the Project is currently being led by ECHDC in conjunction with the ESD Design & Construction Division. The final design phase work arrangement was authorized by the City on October 12, 2012.

Procuring and managing Construction and Construction Inspection services, including advertising, bidding and awarding a Construction Contract, would be completed by the

City. Given the involvement of Federal Highway Administration funds and their required oversight, the NYSDOT will be involved as a partner to both ECHDC and the City throughout the duration of the Project.

C. Tentative Project Timeline

Table 1 outlines the anticipated timeline for various milestones associated with entering into agreements and implementing the Project.

Table 1 Tentative Milestone Dates		
Milestone	Agency	Target Date
<i>Preliminary Design Activities Environmental Re-Evaluation</i>	<i>ECHDC NYSDOT</i>	<i>May 2011 – Dec 2012 Completed</i>
Final Design	ECHDC	Jan – July 2013
Advertise, Bid, Award	City	Aug – Sept 2013
Construction	City	Nov 2013 – May 2015
Construction Inspection	City	Nov 2013 – May 2015
Project Completed (Roadway Opened)	City	May 25, 2015

VI. PROJECT FUNDING

Table 3 outlines the proposed uses of funds programmed for the project and the sources of these funds. The budgets for these items were derived from preliminary plans/cost estimates for the Project prepared by Audubon Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel) in March 2013.

Table 3 Uses & Sources of Funds	
Funding Uses	
Final Design: by ECHDC	\$ 1,360,500
Construction/Construction Inspection: by City of Buffalo	\$ 11,490,500
Total	\$ 12,851,000
Anticipated Funding Sources	
Final Design: by ECHDC	
Federal Highway Administration (Earmark - 77J0 Funds)	\$ 1,088,000
ECHDC – Required Local Match Federal Funds (NYPA Relicensing Agr.)	\$ 272,500
Subtotal	\$ 1,360,500
Construction/Construction Inspection: by City of Buffalo	
Federal Highway Administration	
Earmark - 77J0 Funds	\$ 4,012,000
Congestion Mitigation Air Quality (CMAQ) Funds	\$ 900,000
Earmark – NY DEMO 100 Funds	\$ 3,240,000
ECHDC – Required Local Match Federal Funds (NYPA Relicensing Agr.)	\$ 2,038,000
Betterments	
Buffalo Sewer Authority	\$ 500,000
Buffalo Water Authority	\$ 250,000
Buffalo Creek Community Development Fund - Signage	\$ 100,000
Buffalo River Trail (St. Clair Street)	\$ 450,000
Subtotal	\$ 11,490,500
Total	\$ 12,851,000

VII. SOCIAL & ECONOMIC BENEFITS

The Project will serve the public as an educational, cultural, community, and civic facility by reconstructing a severely deteriorated urban arterial through a blighted neighborhood along the City's re-emerging waterfront district. This would result in a number of social and economic benefits, as presented below:

- The Project would involve a direct public investment of nearly \$12 million in design/construction activities in downtown Buffalo, which based upon guidance from the federal highway administration would result in the estimated creation of over 130 direct, indirect, and induced job years during the design/construction period.
- The Project would enhance a major waterfront corridor and link between downtown and the Outer Harbor. In turn, existing public and recreational spaces (i.e., Father Conway Park, Riverfest Park and NYSDEC Boat Launch) along the corridor would benefit from direct and indirect attention and attraction. The multi-use pathway included in the project serves as a segment of the Erie County Shoreline Trail, the City's Buffalo River Greenway Trail, and the local Industrial Heritage Trail.
- The Project would enhance the corridor's opportunity for economic redevelopment. A key component of the Buffalo River and South Buffalo Brownfield Opportunity Areas (BOA), the new roadway and upgraded/new utility services would provide the basic requirements to help jump-start the realization of infill development along the corridor. Several long-vacant parcels could yield over 500,000 SF of private, taxable development in the future.
- The roadway corridor has been in decline for decades and its visual appearance and inactivity continues to act as a blighting influence on the neighborhood and nearby downtown landscape. The Project would re-activate the neighborhood with public uses that would attract people to the area, provide street level amenities, and accordingly help support revitalization.
- The Project would support cultural and educational goals by highlighting key locations, buildings, and people that influenced the development of the City and State. Several interpretive signs would provide information and stories of the industrial heritage, railroad history, and key figures that are relevant to the corridor. The Project would create a significant "cultural node" at the location of the former Ohio Basin Slip (a portion of the Erie Canal system) by installing "bridge" elements based on an 1873 swing bridge at the site, providing for a signalized, pedestrian crossing between the site, the NYSDEC Boat Launch and Father Conway Park, and interpreting the former Erie Railroad's impact on the site (as trackage remains in place on one of the first railway connections to the Buffalo River).

VIII. STATUTORY BASIS

Based on the information set forth in this GPP and other due investigation conducted by ECHDC, ECHDC hereby makes the following UDC Act Findings:

A. Civic Project Findings – UDC Act Section 10 (d)

1. *There exists in the area in which the Project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the Project.*

The Buffalo River Brownfield Opportunity Assessment and the South Buffalo Brownfield Opportunity Assessment have identified the reconstruction of Ohio Street as a strategic corridor and investment zone within these brownfield areas. The Project would satisfy this direct need in such a manner to also provide a new waterfront destination in the City, and a Project to enhance the overall downtown setting for residents and visitors, all providing public benefit to the local community, the City, and Erie County.

2. *The Project consists of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purpose.*

The Project corridor, already a City-owned street right-of-way, has been determined suitable to accommodate the reconstruction project. The Project will provide for two lanes of traffic, with a center-turn lane or parking lane at various locations within the corridor, a multi-use pathway along the west side and sidewalk along the east side, and adequate green space all within the existing right-of-way. The landscaping, interpretive signage, wayfinding signs, and “cultural node” elements will enhance the user’s appreciation for the corridor and the City while enjoying these public amenities and the connectivity they bring to the waterfront.

3. *The Project will be leased to or owned by the state or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and adequate provision has been, or will be, made for the payment of the cost of the acquisition, construction, operation, maintenance and upkeep of the Project.*

It is expected that upon the completion of the Project, the City would retain ownership/title to the roadway and improvements, and the City and/or Buffalo Sewer Authority (“BSA”) would maintain the Project as part of their overall management of the City’s and BSA’s capital facilities.

4. *The plans and specifications assure or will assure adequate light, air, sanitation and fire protection.*

The plans and specifications will assure that adequate light, air, sanitation and fire protection are provided in the Project. The construction of the Project will conform to all applicable laws, codes, and standards.

B. UDC Act Section 10(g)

No residential or business relocation is required along the Project corridor.

IX. ENVIRONMENTAL REVIEW

ECHDC, pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law, and its implementing regulations (6 NYCRR Part 617), makes the following findings based on the following documents associated with the Southtowns Connector/Buffalo Outer Harbor Project (the "proposed action"), of which the elements of the Ohio Street and Inner Harbor Infrastructure Improvements Civic Project is a part, and which set the bases for this Civic Project's purpose and need and its anticipated social, economic and environmental effects:

- The Final Design Report/Final Environmental Impact Statement/4(f) Statement ("FDR/FEIS/4(f) Statement") dated May 10, 2006, prepared by the Federal Highway Administration ("FHWA") and New York State Department of Transportation ("NYSDOT"), as federal and state lead agencies respectively, pursuant to the National Environmental Policy Act ("NEPA");
- The Federal Record of Decision ("ROD"), issued by FHWA on January 31, 2007; and
- A Re-evaluation Statement prepared on November 12, 2012, pertaining to minor refinements made to the design criteria used and design features for the proposed reconstruction of Ohio Street from NYS Route 5 to Michigan Avenue in the City of Buffalo.

SEQRA regulations, in accordance with 6 NYCRR 617.15 ("Actions involving a federal agency"), requires an involved State agency to adopt written findings, supported by a statement of relevant facts and conclusions considered, prior to agency decisions on actions that have been the subject of a federal FEIS prepared pursuant to NEPA. The Findings Statement, attached as Exhibit A, contains the facts and conclusions in the above documentation relied upon to support ECHDC's decision on the Ohio Street and Inner Harbor Infrastructure Improvements Civic Project.

The findings that ECHDC hereby ratify and make are that:

- The Corporation has given consideration to the FDR/FEIS/4(f), ROD, and 2012 Re-evaluation Statement;
- The requirements of the SEQRA process, including the implementing regulations of the New York State Department of Environmental Conservation, have been met;

- Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed action is one that avoids or minimizes significant adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FDR/FEIS/4(f), ROD, and the 2012 Re-evaluation Statement;
- Consistent with social, economic and other essential considerations to the maximum extent practicable, any significant adverse environmental effects revealed in the environmental impact statement process as a result of the proposed action will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable;
- The proposed action is in compliance with Section 14.09 of the State Historic Preservation Act.

X. NON-DISCRIMINATION AND CONTRACTOR & SUPPLIER DIVERSITY

Erie Canal Harbor Development Corporation's Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Project. The City's Contractor and Construction Inspection firm shall be required to include minorities and women in any job opportunities created, to solicit and utilize MWBEs for any contractual opportunities generated in connection with the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8) to achieve an overall Minority and Women Business Enterprise ("MWBE") Participation Goal of 30%. The overall goal shall include a Minority Business Enterprise ("MBE") Participation Goal of 20% and a Women Business Enterprise ("WBE") Participation Goal of 10% related to the total value of Erie Canal Harbor Development Corporation's funding.

XI. DESIGN AND CONSTRUCTION

ESD's Design & Construction Department ("D&C") is currently in consultation with ECHDC staff regarding the development of a plan to manage the design, construction and build-out of the proposed Project. As the Project advances and the City requires, D&C will remain actively involved in overseeing the selection of architectural/engineering, construction management, project management and other related consultants for various aspects of the Project. D&C will monitor and review Project budgets and schedules, the design process, and the production of construction documents. D&C will, as the City requires, participate in the preparation of the bid and award process, monitor the construction, attend Project meetings, visit the site periodically, and authorize contractor payments.

XII. CONCLUSION

This Civic Project would fulfill the cultural, recreational, community, and municipal needs and demands of the City and ECHDC. In doing so, the Project would reconstruct an urban arterial in downtown and a key waterfront link; would provide for a continuous and more functional system of waterfront trails; and create a corridor that would complement and add activity to the City's burgeoning waterfront. In addition, through the implementation of the Project,

several major waterfront parcels within the City would be made available for future private, taxable infill development.

Figures

Project Site Location Map (Figure 1)

Concept Masterplan (Figures 2 and 3)

Typical Sections (Figures 4 - 5)

Figures



CITY OF BUFFALO

Erie Canal Harbor Development Corp.

OHIO STREET AND
INNER HARBOR
INFRASTRUCTURE IMPROVEMENTS
P.I.N. 576026

50% PRE-ADP



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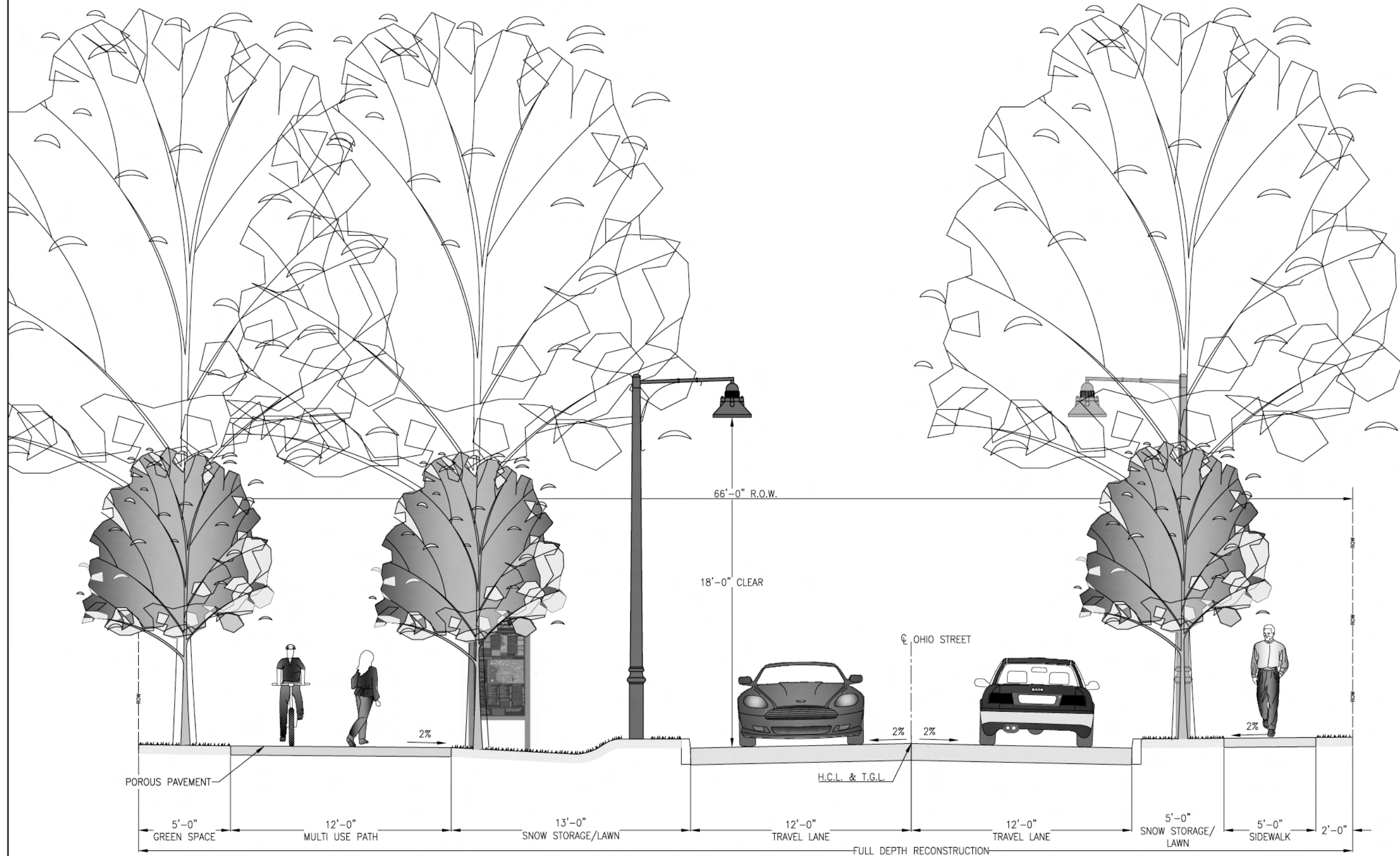
NO.	REVISIONS	DATE
BY		

DWG. TITLE

TYPICAL PLAN VIEW
TYPICAL SECTION -2

DATE	1/30/2013
SCALE	AS NOTED
DWN.	SRY
PROJ. No.	459701
DWG. No.	

TYP-2



② TYPICAL SECTION NORTH OF LIFT BRIDGE
NORMAL CROWN
SCALE: 3/8" = 1'-0"



CITY OF BUFFALO

Erie Canal Harbor Development Corp.

OHIO STREET AND
INNER HARBOR
INFRASTRUCTURE IMPROVEMENTS
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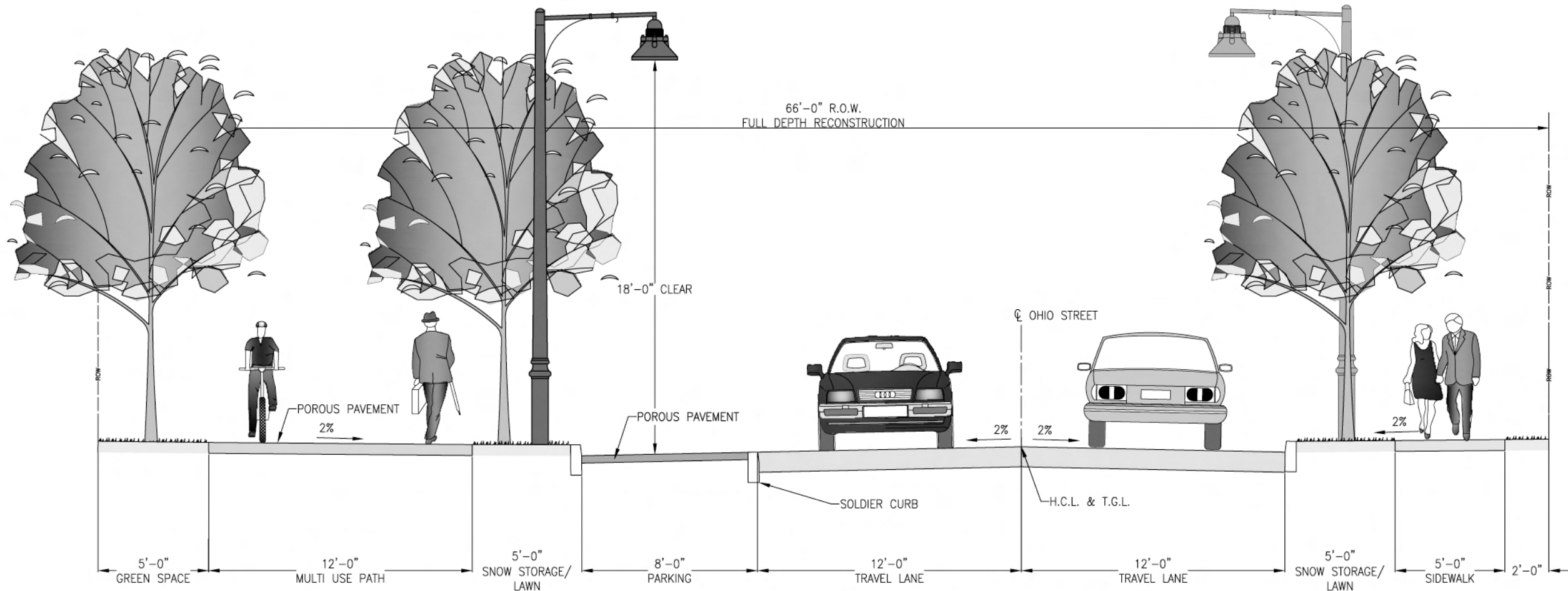
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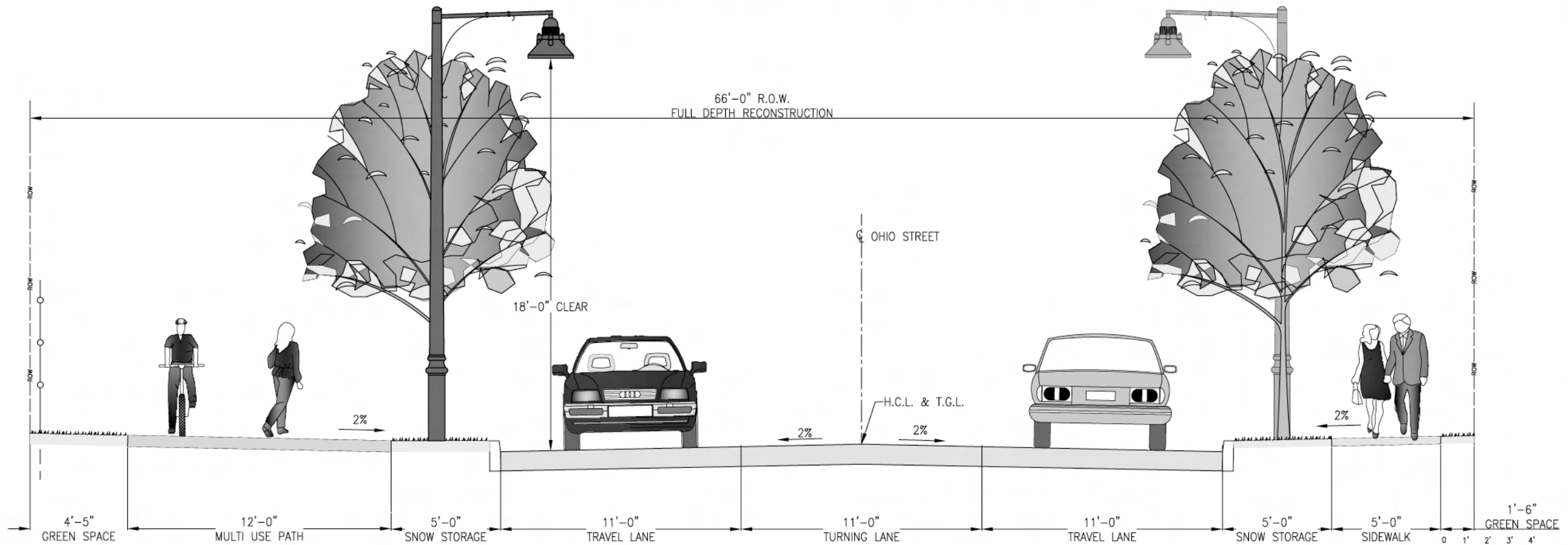
TYPICAL SECTIONS -2A & 3

DATE	1/30/2013
SCALE	AS NOTED
DWN.	SRY
PROJ. No.	459701
DWG. No.	

TYP-2A & 3



2A TYPICAL SECTION NORTH OF LIFT BRIDGE - NORMAL CROWN
SCALE: 3/8" = 1'-0"



3 TYPICAL SECTION SOUTH OF LIFT BRIDGE
SCALE: 3/8" = 1'-0"

Exhibit A

State Environmental Quality Review Act (SEQRA) Findings Statement

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

ERIE CANAL HARBOR DEVELOPMENT CORPORATION

**Ohio Street and Inner Harbor
Infrastructure Improvements Project
NY Route 5 to Michigan Avenue
Buffalo, Erie County, New York**

**INVOLVED AGENCY FINDINGS STATEMENT
State Environmental Quality Review Act**

April 10, 2013

The Erie Canal Harbor Development Corporation (“ECHDC”), a subsidiary of the New York State Urban Development Corporation, doing business as Empire State Development (ESD), is an involved agency for the above-referenced action as defined in the New York State Environmental Quality Review Act (“SEQRA”), Article 8 of the Environmental Conservation Law, and its implementing regulations at 6 New York State Code of Rules and Regulation (“NYCRR”) Part 617.

In accordance with 6 NYCRR 617.15 (i.e., Actions involving a federal agency), as part of its environmental review, ECHDC reviewed documentation issued by the Federal Highway Administration in accordance with the National Environmental Policy Act (“NEPA”) of 1969. ECHDC makes the following findings based on its review of information contained in:

- The *Final Design Report/Final Environmental Impact Statement/Final Section 4(f) Statement for the Southtowns Connector/Buffalo Outer Harbor Project*, dated May 10, 2006;
- The Federal Record of Decision (“ROD”) for the Southtowns Connector/Buffalo Outer Harbor Project, issued on January 31, 2007; and
- A Re-evaluation Statement prepared on November 12, 2012, pertaining to minor refinements made to the design criteria used and design features for the proposed reconstruction of Ohio Street from NYS Route 5 to Michigan Avenue in the City of Buffalo.

Name of Action: **Ohio Street and Inner Harbor Infrastructure Improvements Project**
NYSDOT Project Identification Number [“PIN”] 5760.26
- Part of project scope for the Southtowns Connector/
Buffalo Outer Harbor (STC/BOH) project

Federal Lead Agency: Federal Highway Administration (“FHWA”)

NYS Lead Agency: New York State Department of Transportation (“NYSDOT”)

Contracting Agency for Construction: City of Buffalo (“City”)

SEQRA Classification: Type I Action
(Note: Classification of entire STC/BOH Project)

I. DESCRIPTION OF ACTION AND LOCATION

The action involves the reconstruction of Ohio Street (the “Proposed Action” or the “Project”), a principal arterial road that extends along the Buffalo River through the First Ward neighborhood, between downtown Buffalo and the Outer Harbor on the Lake Erie waterfront. From Michigan Avenue to the northern limit of a City-owned bridge over a CSX Rail corridor (i.e., Bridge Identification Number [BIN] 2260620); Ohio Street would undergo a full-depth reconstruction. For the balance of street (i.e., from the City-owned bridge to NY Route 5), the reconstruction would be limited to installation of new sidewalks, bike lanes, curbing, striping, and signs, insofar as this section of the corridor recently underwent full-depth reconstruction of the road bed as part of already-completed portions of the STC/BOH project.

The Project would also include a system of linkages and wayfinding signs to connect existing multi-purpose trail facilities on the Buffalo River near the DL&W terminal to pedestrian/bicycle access facilities along Ohio Street, as well as various interpretative features comprising a major segment of the City’s “Industrial Heritage Trail”. Finally, as part of the Project, certain “green infrastructure” (e.g., passive storm drainage facilities, bio-swales, etc.) will be installed and conventional utilities (water, sewer, natural gas) would be rehabilitated, repaired and/or replaced. The design features of the Project are consistent with the parameters of the “Complete Streets”¹ ordinance of the City of Buffalo at Chapter §413-68 of the City’s codified ordinances.

The reconstruction of Ohio Street was a component part of the STC/BOH project, advanced by NYSDOT as a federal project (PIN 5044.01) through a FHWA environmental review process that

¹ A “Complete Street” is a term advanced by the *Smart Growth America Coalition* that means when components of street are designed and operated to enable safe and equally-available access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

was completed in 2007. This federal project involved a series of transportation access improvements within the NY Route 5 corridor along the Lake Erie waterfront in the City of Buffalo, City of Lackawanna, and Town of Hamburg (from the southern touchdown of the Buffalo Skyway Bridge in Buffalo to NY Route 179 in the Town of Hamburg, NY). Specifically, the STC/BOH project involved:

- Various alternatives for reconfiguring what was referred to as the “NY Route 5/Fuhrmann Boulevard complex”, which involved a system composed of a limited-access expressway (NY Route 5) and a frontage arterial road (Fuhrmann Boulevard) consisting of multiple one-way segments on the east and west sides of Route 5 to provide local property access;
- Plans for a new arterial road connecting Tifft Street (at a point near its interchange with Route 5) with the Niagara section of the New York State Thruway (I-190) to serve as an alternative route through the corridor primarily for industrial access; and
- Plans for a full reconstruction of Ohio Street from NY Route 5 to Michigan Avenue, to serve as a neighborhood/riverfront enhancement by improving its setting and providing better local multi-modal access, and to serve as an alternative commuting route to downtown Buffalo.

ECHDC’s Proposed Action (i.e., Ohio Street and Inner Harbor Infrastructure Improvements Project) involves the provision of funding to the City to be used for the non-federal match of federal transportation funds programmed for the reconstruction of Ohio Street.

Because Ohio Street is a City-owned road, construction of the proposed Project will be contracted by the City of Buffalo as a locally administered project receiving federal transportation funds. NYSDOT will administer the provision of federal funds to the City on behalf of FHWA.

II. FACTS AND CONCLUSIONS IN THE FEDERAL ENVIRONMENTAL REVIEW RELIED UPON TO SUPPORT THE DECISION

A. NEPA Process

FHWA, the federal lead agency for the STC/BOH project, conducted an environmental review pursuant to NEPA. FHWA and NYSDOT published a Notice of Intent to prepare an Environmental Impact Statement in the *Federal Register* on September 13, 2001. FHWA and NYSDOT also made available for public review a Draft Scoping Report outlining the components and issues of the STC/BOH Project. Three Public Scoping Meetings to solicit input were conducted in September and October of 2001.

Following an extensive public process to develop and evaluate alternatives, a Design Report/Draft Environmental Impact Statement/Section 4(f) Statement (“DR/DEIS/4(f)”), which evaluated three alternatives without designation of a preferred alternative, was issued by FHWA and a federal Notice of Availability was published in the *Federal Register* on June 20,

2005. The DR/DEIS/4(f) was properly filed with the U.S. Environmental Protection Agency (“EPA”) and made available for review by federal, state, and local agencies, as well as interest groups and the general public.

Two public hearings were held for the receipt of public comments on the DR/DEIS/4(f); one at the Erie Community College-City Campus on August 10, 2005 and one at the Lackawanna, NY Senior Center on August 11, 2005. The public comment period for the DR/DEIS/4(f) was held open until August 31, 2005.

Following agency review of public comments received and an evaluation of the relative effects of each alternative, NYSDOT selected a preferred alternative, documented in a Final Design Report/Final Environmental Impact Statement/Final Section 4(f) Statement (“FDR/FEIS/4(f)”), together with responses to all substantive comments received on the DR/DEIS/4(f), and with associated refinements, revisions, and re-issuance of all information that was contained in the DR/DEIS/4(f). The FDR/FEIS/4(f) was approved by FHWA on May 10, 2006 and a Notice of Availability appeared in the *Federal Register* on June 12, 2006. The FDR/FEIS/4(f) was properly filed with EPA and made available for review by all federal, state, and local agencies, as well as interest groups and the general public.

FHWA issued a ROD on the STC/BOH project on June 27, 2008. The ROD documented the selected preferred alternative; described anticipated social, economic, and environmental effects and unavoidable impacts; and presented approved mitigation to reduce or lessen the severity of significant negative impacts.

B. Purpose, Need and Benefits

The nature of highway access in the STC/BOH corridor has been regarded for over two decades as an obstacle to realizing the full redevelopment potential of waterfront areas in Buffalo, Lackawanna, and Hamburg. The corridor had been designated as a “High Priority Corridor” by Congress as early as 1991.

The FDR/FEIS/4(f) reported that the NY Route 5/Fuhrmann Boulevard complex consisted of the equivalent width of a 10-lane highway in some locations. More importantly, the circulation patterns associated with the frontage road characteristics of Fuhrmann Boulevard, while once adequate for truck access to the then-Port of Buffalo (i.e., Port since re-located to the south), had become confusing for non-commercial access, requiring many circuitous movements to access parcels along the roadway.

Specifically along Ohio Street, a primary local road alternative to NY Route 5 in accessing the Lake Erie waterfront, the FDR/FEIS/4(f) reported that the alignment and roadway characteristics (e.g., wide pavement widths, no sidewalks, off-set intersections) tend to encourage faster speeds and cut-through traffic. This overall setting impedes redevelopment of buildings/parcels along the Ohio Street corridor, which has been projected by planning and economic development officials as a natural extension of activities being advanced in Canalside

(aka Erie Canal Harbor) and Cobblestone Historic District – a dense, urbane development pattern encouraging adaptive reuse of former industrial structures.

Overall, the FDR/FEIS/4(f) reported that the reconfiguration of access in the NY Route 5 corridor was needed to facilitate regional economic development objectives by establishing major “quality-of-life” improvements associated with natural/recreational resources on the Lake Erie and Buffalo River waterfront, given that the region is now well beyond the beginning stages of reclaiming the waterfront as a signature public realm of regional and national scope.

Given this setting, the purposes of the STC/BOH project are to:

- Improve road access to facilitate redevelopment sites in the vicinity of the waterfront;
- Enhance vehicular access to local roads and enhance access for other modes of travel (bicycles, pedestrian, transit) along the waterfront and within the project area;
- Maintain adequate service for commuter/commercial traffic between Downtown Buffalo and Southtowns communities (i.e., Lackawanna, Hamburg, and other outlying towns and villages south of the City of Buffalo);
- Support local and regional planning policies and strategies; and
- Minimize adverse impacts on communities and the environment by avoiding an inequitable distribution of impacts and maintaining neighborhood and community cohesion.

The Ohio Street portion of the STC/BOH project is intended to achieve the following goals:

- Improve Ohio Street's function as primary local connector between Downtown Buffalo and waterfront, as an alternative to NY Route 5 and Buffalo Skyway Bridge;
- Act as catalyst for renewal of Buffalo River/Old First Ward neighborhood and NFTA Outer Harbor lands;
- Provide streetscape/traffic-calming improvements to foster private development of adjacent vacant and underutilized parcels;
- Realize major portion of Industrial Heritage Trail and highlight access to Buffalo's collection of historic grain elevators to foster development of revitalization/heritage district.

III. ALTERNATIVES CONSIDERED

A. STC/BOH Alternatives

In its FDR/FEIS/4(f), FHWA/NYSOT considered the “No-Build” or “Null” Alternative (i.e., implementing only currently planned and committed transportation projects within the STC/BOH project area) and three “build” alternatives for the northern portion of the STC/BOH

project area (extending along NY Route 5 from Ridge Road in the City of Lackawanna north to the Coast Guard Station on Fuhrmann Boulevard), formulated to meet the project purposes. These three build alternatives included the following:

1. Modified Improvement Alternative (Preferred Alternative). This alternative would reconfigure the NY Route 5/Fuhrmann Boulevard complex along the Buffalo Outer Harbor into a system designed to be more compatible with proposed land uses included in local redevelopment plans. While the alternative is more amenable to providing waterfront access to all modes of transportation, it would maintain NY Route 5 and Fuhrmann Boulevard as separate facilities. Specifically, Route 5 would be reconstructed and continue as a four-lane limited-access expressway, however certain features would be implemented to somewhat reduce its visual prominence. Fuhrmann Boulevard would also be reconstructed and be fully reconfigured to a two-way, two-to-three-lane landscaped parkway, relocated entirely as a road on the west (i.e., Lake Erie) side of NY Route 5. Excess right-of-way created by these changes would be landscaped and improved to create an integrated system of multi-purpose trails along the waterfront.

Ultimately, NYSDOT selected this alternative and has since implemented a large portion of the alignment in a segment from the Buffalo Skyway Bridge to Tifft Street. Final design for full reconstruction of Route 5 in this segment was initiated in 2007 and construction of it was completed in 2009. Reconstruction of various segments of Fuhrmann Boulevard was started in early 2010 and was substantially completed in late 2011.

2. Boulevard Alternative. This alternative would have reconstructed the NY Route 5/Fuhrmann Boulevard complex—from the southern terminus of the Buffalo Skyway Bridge to Ridge Road in Lackawanna—and convert it into a single, six-lane boulevard to serve both through traffic and local access. This alignment incorporated a wide landscaped median to separate northbound/southbound lanes and lowering of the roadway's elevation to grade. Vehicular access to properties would have been provided through curb cuts along the new boulevard, while bicycle/pedestrian access would have been provided along the lakeside of the roadway. All grade separations at east-west roads would have been eliminated and replaced with signalized intersections.

3. Hybrid Alternative. This alternative was a combination of alignments used in the other two build alternatives. From the southern touchdown of the Buffalo Skyway Bridge to Ohio Street, the Hybrid Alternative would have had an alignment similar to the Improvement Alternative—maintaining NY Route 5 and Fuhrmann Boulevard as separate facilities and converting Fuhrmann Boulevard to a continuous, two-way, two-to-three lane roadway on the west side of NY Route 5 between the US Coast Guard Station and Ohio Street. At Ohio Street, NY Route 5 would have transitioned at a signalized intersection to a six-lane boulevard with a wide center landscape median, similar to the characteristics of the Boulevard Alternative, and Fuhrmann Boulevard would have been removed south of Ohio Street.

B. Project Components in All Build Alternatives (Ohio Street)

The three build alternatives identified above all included a proposed reconstruction of Ohio Street from NY Route 5 to Michigan Avenue so that it provides better local access between downtown Buffalo and the Lake Erie waterfront. This included:

- A three-lane alignment (one travel lane in each direction and a center turn lane) within the existing width of the roadway (which is now striped for two lanes but is wide enough in most locations to accommodate four lanes);
- A full program of streetscape improvements to provide safe pedestrian, bicycle, and transit access; and
- Construction of facilities associated with a segment of the City's planned Industrial Heritage Trail.

Design of all roadway features for the reconstruction of Ohio Street were developed using a design speed² of 50 miles per hour ("MPH") and a posted speed limit of 40 MPH, to accommodate anticipated increases in daily commuter traffic diverted from NY Route 5 as a result of its reconfiguration.

The use of the 50 MPH design speed in the planned reconstruction of Ohio Street was projected to affect one structure fronting the Street that is eligible for inclusion on the State and National Registers of Historic Places ("S/NRHP"), a truck/train transfer station located at 630 Ohio Street. A non-standard curve currently exists at this location. To correct this feature as part of the Ohio Street reconstruction, the FDR/FEIS/4(f) reported that this structure would have to be removed or relocated. In accordance with Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act, FHWA and NYSDOT consulted with the New York State Historic Preservation Officer ("SHPO") on the feasibility of measures to avoid, minimize, or mitigate the adverse effect to 630 Ohio Street. After this review, the agencies concurred that the impact to the structure could not be avoided. NYSDOT agreed to a set of specific measures to mitigate this adverse effect, memorialized in a Memorandum of Agreement ("MOA"). The mitigation measures would involve NYSDOT undertaking (or causing to be undertaken):

- Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) recordation of the Truck/Train Transfer Building at 630 Ohio Street prior to its removal; and
- Coordination with the SHPO, the City of Buffalo, and the Industrial Heritage Committee, Inc. to implement a portion of the interpretative program associated with the Industrial Heritage Trail, including installation of up to five interpretative stations and trailblazing signage.

² "Design speed" is an engineering tool used to determine geometric features of a new road during road design and is a major factor in designing specific road features such as the radii of curves and sight distance.

C. Refinements to the Design of Ohio Street

In 2011, in accordance with its mission to revitalize the Buffalo waterfront, ECHDC coordinated with NYSDOT and began working with several business owners in the First Ward community and Cobblestone District to review the 2007 NYSDOT STC/BOH plans and to make updated recommendations for the reconstruction of Ohio Street. A Concept Master Plan, using the approved 2007 NYSDOT STC/BOH plans as a base and recognizing recent developments within the area, was developed as the basis for the Ohio Street Project.

A series of meetings was held with property owners and regional stakeholders to better understand the community's desires for the corridor. While the majority of the NYSDOT plans were found to be acceptable and still relevant, a few key items were identified for refinement, including the following:

- The removal of 630 Ohio Street was found to be unacceptable given the recent investment by the building's owner and the uniqueness of the former railroad-era facility;
- A planned cul-de-sac at the end of Louisiana Street (to eliminate a four-legged intersection there) would have diverted considerable amount of new heavy truck traffic down Ohio Street, along the section that is now fronted by parks and frequented by residents; and
- The use of a continuous center turn lane as part of the design was not considered warranted for the entire corridor and incorporation of on-street parking in some portions of the corridor would facilitate emerging redevelopment efforts.

Additionally, the reconstruction of Ohio Street was reviewed by ECHDC in the context of the City's new "Complete Streets" standards and as a "green" waterfront arterial, with regard to the potential for incorporation of environmentally sustainable features.

Using these issues as a guide, the Concept Master Plan for Ohio Street refined the 2007 design for reconstructing Ohio Street. This involved using a design speed of 35 MPH (as opposed to 50 MPH), and retained the current posted speed limit of 30 MPH. This change in design criteria permitted a refinement in the planned realignment of the non-standard curve in such a manner to avoid the razing or relocation of the S/NRHP-eligible truck/train transfer station at 630 Ohio Street. Although no longer required as mitigation, the Concept Master Plan still called for implementation of the Industrial Heritage Trail as specified in NYSDOT's MOA.

The rationale for such a design criteria change is reasonable given that NYSDOT ultimately selected the Modified Improvement Alternative as part of its 2007 ROD. The full traffic analyses of the three build alternatives indicated that the Modified Improvement Alternative would result in no changes in the distribution of peak-hour traffic movements compared to the future Null Alternative, given that the basic operating features of the road system would remain the same. Because no traffic was projected to divert to Ohio Street during peak morning and evening commuting periods, the need to smooth design features based on a 50 MPH design speed would no longer be warranted.

Other refinements to the planned reconstruction of Ohio Street made as a result of this process included:

- Retaining the four-legged intersection with Louisiana Street with some limited refinements, thus not resulting in additional diversion of truck traffic to Ohio Street.
- Use of a continuous center turn left-turn lane in the “active industrial” portion of Ohio Street (NY Route 5 to Louisiana Street) to facilitate truck movements, transitioning to a conventional two-lane alignment (with dedicated left-turns in selected locations) in “neighborhood” areas along the balance of the corridor;
- Incorporation of on-street parking in neighborhood areas of the corridor;
- Incorporation, where possible, of “green infrastructure” to deal with stormwater drainage, intended to reduce environmental impacts associated with combined sewer overflows; and
- Refinements to plans for improvements to open space and heritage interpretation features, based upon updated information from local heritage, neighborhood, and interest groups involved in revitalization efforts.

In accordance with FHWA environmental review procedures at 27 CFR 771.129, in November 2012 NYSDOT undertook a re-evaluation of these proposed refinements to the Ohio Street reconstruction to determine if the findings of the 2007 ROD would continue to adequately document the social, economic, and environmental effects of this component of the STC/BOH project. NYSDOT concluded that these refinements are not significant and that the conclusions and commitments of the 2007 ROD would remain valid if these refinements were implemented.

ECHDC subsequently entered into an agreement with NYSDOT, with the consent of and in coordination with the City, to undertake NYSDOT Phase V and VI (i.e., final design and contract documents) for the Ohio Street reconstruction, with the refinements identified under the Concept Master Plan. As part of this final design process, ECHDC has conducted the first of three planned public information meetings and held 30 stakeholder meetings to date to seek input and consensus on the final design for the Ohio Street and Inner Harbor Infrastructure Improvements Project.

IV. PROBABLE IMPACTS OF THE PROPOSED ACTION

The following sections outline anticipated social, economic, and environmental effects of Ohio Street and Inner Harbor Infrastructure Improvements Project, derived from relevant portions of the FDR/FEIS/4(f).

A. Social Consequences

1. Community Cohesion. The Proposed Action would enhance Buffalo’s First Ward neighborhood by providing a sense of cohesion amongst residential areas along this corridor. Reconfiguration of Ohio Street would calm traffic speeds and addition of streetscape

improvements (e.g., period lighting, sidewalks, enhanced crosswalks, etc.) would create an excellent setting for sensitive reuse and infill development. In turn, development of the Industrial Heritage Trail would provide a recreational/historic interpretation component that would contribute to both a neighborhood and regional sense of pride.

2. Changes in Travel Patterns or Accessibility. The Proposed Action would involve a complete system of new multi-modal access. The Ohio Street improvements would significantly increase pedestrian and bicycle safety through traffic calming measures, and establishment of sidewalks and dedicated bike lanes, and formalize bicycle and pedestrian connections between the Outer Harbor and downtown Buffalo.

3. Environmental Justice. In accordance with Executive Order (EO) 12898 (February 11, 1994), which requires that Federal Agencies identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low income populations, the STC/BOH project included a full environmental justice assessment. This assessment indicated that the project (including the Ohio Street reconstruction) would not cause such adverse effects. Conversely, the impacts associated with the Proposed Action are of a positive nature—providing easy and safe access for pedestrians, bicyclists, and motor vehicles to the waterfront and creating an improved streetscape setting to contribute to community well-being.

4. Consistency with Local and Regional Plans, Programs, and Policies. A full review of the components of the Proposed Action compared against local plans indicated that they would either: be consistent; have no effect; or would help implement policies in adopted local and regional plans and programs.

B. Economic Consequences

1. Impacts on Regional and Local Economies. The Proposed Action presents an opportunity to redefine the First Ward neighborhood in a positive way. Beyond the physical access and safety benefits described above, a synergy created by the combination of relatively small scale improvements on this neighborhood can be realized. The investment in visual improvements in blighted areas can produce a major return by changing the way residents and business people view the neighborhood. Experience in similar urban neighborhoods has shown that small streetscape details such as lighting and crosswalks can produce major benefits to residents and local businesses just by improving safety. These improvements would not in and of themselves raise incomes and standards of living in the First Ward neighborhood, rather each improvement helps to set the stage for other small scale developments that can realize larger impacts.

2. Travel Time Effects. The Proposed Action would not result in any impacts, positive or negative, with regard to travel times and their associated costs related to the movement of people, goods, and services.

3. Relocation Impacts. The Proposed Action would not result in the relocation or displacement of any residences or businesses along the Project corridor.

4. Economic Effects of Construction Expenditures. Based upon ECHDC analysis of the discreet economic effects of the Ohio Street reconstruction (i.e., separate from the entire STC/BOH project), the Proposed Action would involve a direct public investment of nearly \$12 million in design/construction activities in the Project area, which using upon guidance from FHWA would result in the estimated creation of over 130 direct, indirect, and induced job years during the design/construction period.

C. Traffic and Transportation

A full traffic and transportation analysis was included in Appendix C of the FDR/FEIS/4(f). No significant traffic impacts would result from the Proposed Action. Overall, projected daily traffic volumes are generally consistent with future Null conditions, given that the overall configuration of the roadway system would remain essentially the same from an operational perspective. Accordingly, there would be no significant differences in projected intersection levels of service (LOS) on Ohio Street between the future Null Alternative and the proposed the reconstruction of Ohio Street.

With regard to other travel modes, a full program of streetscape improvements to provide safe access for pedestrians, bicyclists and transit users would be implemented under the Project, including a portion of the Industrial Heritage Trail. New roadway plantings, street lights, and other street features would provide better-defined safe zones for non-vehicular access.

D. Wetlands and Water Bodies

A full wetland and water body assessment was included in Section 4.4.1 and Appendix E of the FDR/FEIS/4(f). Components of this assessment are discussed in the following sections.

1. Wetlands. There are no New York State-designated or federal wetlands in the Ohio Street corridor that would be affected by the Proposed Action.

2. Surface Water. A large segment of Ohio Street traverses to the east of the Buffalo River. However, projected impacts to this watercourse are not significant. Primary impacts to surface water tend to occur as a result of construction through erosion and sedimentation of water bodies within proximity to construction activities. Following construction, impacts to water quality could involve carrying pollutants in runoff from road maintenance and vehicular traffic that can enter and degrade adjacent waters. With regard to construction impacts, such impacts would be avoided through the implementation of Sediment and Erosion Control Plans, developed in accordance with the *New York Standards and Specifications for Erosion and Sediment Control*. Such practices would effectively avoid or minimize potential discharges of pollutants, including sedimentation, both during and following construction. With regard to post-construction run-off, no significant new impervious areas would be created as a result of the Proposed Action. Conversely, anticipated benefits to water quality would likely occur through the implementation of “green” infrastructure features as part of the drainage design.

3. Groundwater. Implementation of the Proposed Action could potentially affect groundwater resources, but these impacts are expected to be very rare along Ohio Street. Groundwater quality impacts would be due to cut-and-fill operations and the addition of impervious road surfaces; the construction area along Ohio Street largely consists of already disturbed areas, so the possibility of such impacts is considered negligible.

4. Floodplains. Portions of the Ohio Street corridor are located within or near the 100- and 500-year floodplain. However, no habitable buildings or structures are being built as part of the Proposed Action and thus there would be no increase in the floodwater elevations or encroachment upon these floodplains.

E. General Ecology and Wildlife

The Ohio Street corridor is within a heavily industrialized, commercially developed area of the City of Buffalo. It contains no significant habitat for ecological or wildlife species. Thus, no significant impacts will occur as a result of the Proposed Action.

F. Historic and Archeological Resources

In accordance with Section 106/Section 14.09 requirements, a Phase IA cultural resources assessment—involving an archaeological assessment and a full structures assessment—was conducted as part of the STC/BOH project. It is summarized in Section 4.4.4 of the FDR/FEIS/4(f) and fully presented in Appendix K. With regard to archaeological resources, the Ohio Street corridor was determined to be too significantly disturbed by past human activities to contain any intact S/NRHP-eligible resources. With regard to structures, the aforementioned refinement to the Ohio Street design of a curve near Ganson Street eliminates the need to raze the S/NRHP-eligible Truck/Train Transfer Building at 630 Ohio Street, and thus, removes the need to conduct HABS/HAER recordation of the structure as a mitigation measure.

Although the one significant impact associated with the Proposed Action would now be avoided, it should be noted that ECHDC and the City have agreed to still implement the other remaining stipulation of the NYSDOT MOA regarding historic resources. Specifically, this would include implementing a portion of the interpretative program for the Industrial Heritage Trail.

G. Visual Resources

A visual resource assessment was performed as part of the STC/BOH project to identify and characterize the existing visual environment and evaluate impacts. This is summarized in Section 4.4.5 and fully presented in Appendix D of the FDR/FEIS/4(f).

This assessment documented the existing visual character of Ohio Street as a mixture of commercial, industrial, and residential land uses, however with an inconsistent presence of sidewalks and occupied or vacant lots. Visual impacts anticipated from the Ohio Street reconstruction would be significantly positive. A more distinctive character of this neighborhood would occur from the installation of the interpretive features of the Industrial

Heritage Trail. There would also be a stronger visual continuity created with downtown Buffalo.

H. Parks and Recreational Facilities

The Proposed Action would result in a “strip taking” (i.e., narrow acquisition of land to slightly widen a right-of-way) of land in Father Conway, a City Park with frontage on Ohio Street. The 2012 Re-evaluation examined this taking and classified it as “de-minimis” (i.e., would not affect the quality or functionality of the park).

I. Air Quality

An air quality analysis was performed to assess the potential for impacts from the STC/BOH Null and Build Alternatives (including an Ohio Street reconstruction). It is summarized in Section 4.4.8 and fully presented in Appendix I of the FDR/FEIS/4(f). The results of these analyses indicate that the Proposed Action would not cause or exacerbate a violation of an air quality standard, and minimally affect regional emission rates.

J. Noise

A full Noise Analysis, prepared in accordance with FHWA regulations, was performed as part of the STC/BOH project. It is summarized in Section 4.4.9 and fully presented in Appendix J of the FDR/FEIS/4(f). This assessment projected a significant noise impact in the 2030 Design Year (i.e., the out-year for traffic analysis) at a receptor location near 410 Ohio Street, along with 10 other locations of the 16 monitored in the overall STC/BOH project area. These impacts were identical under both the Null and the Modified Improvement Alternative. Similar 2030 noise levels for this location were projected for the two other build alternatives as well, suggesting the effect would be the result of natural traffic growth. However, under federal regulations, noise abatement measures must nevertheless be evaluated in such situations.

After an evaluation of measures such as traffic management, alteration of horizontal and vertical alignments, acquisition of property, or construction of noise barriers, the only potentially feasible abatement measure would include traffic management techniques to lessen truck traffic in the corridor. Insofar as the corridor has not yet reached the 2030 traffic levels that would result in such noise impacts, the City of Buffalo will continue to monitor traffic levels/mix on this corridor after construction.

K. Hazardous Waste/Contaminated Materials Assessment

A Hazardous Waste/Contaminated Materials Assessment was performed to identify areas of potential environmental concern within the STC/BOH project area. This assessment is summarized in Section 4.4.10 and fully presented in Appendix F of the FDR/FEIS/4(f). A part of this assessment, a 2005 program of soil samples were undertaken in various locations in the project areas, including three test locations along Ohio Street. The purpose of the investigation was to obtain information pertaining to the soil and bedrock conditions and to collect

environmental soil and groundwater samples for laboratory analysis (organic compounds and heavy metals). Appendix F - Attachment G of the FDR/FEIS/4(f) contains the entire report of this 2005 soil investigation.

Results from the samples indicated that the soils located within various locations in the Project area contained levels of semi-volatile organic compounds and heavy metals that exceed the recommended NYS Department of Environmental Conservation ("NYSDEC") soil clean-up criteria. The compounds detected are indicative of past industrial activities (e.g., benzo(a)pyrene, benzo(a)anthracene, naphthalene, arsenic, cadmium, chromium, lead, mercury, and nickel). None of the soil samples collected met the definition of a Resource Conservation and Recovery Act ("RCRA") characteristic hazardous waste, however the soils do meet the definition of a non-hazardous, contaminated solid waste and therefore warrant appropriate handling and disposal methods during construction activities. However, the assessment also reported that the occurrences of such soil characteristics tend to be sporadic in the project area.

The FDR/FEIS/4(f) stated that appropriate soils management procedures would be undertaken as part of construction activities. Since it is known that sporadic contamination of soils does exist at levels that are nonhazardous, it is recommended that the City seek a beneficial use determination ("BUD") from the NYSDEC for the re-use of the soils within the confines of the proposed right-of-way. For excess excavated soils, a staging area would be established within the Project corridor vicinity for the collection of confirmatory samples for analysis to determine the final disposition of the excess soils. Further, during excavation activities, the soils will be visually screened for any obvious signs of leaking tanks (i.e., stained/discolored soils) or material that appears suspicious. Based on the results of the analysis, the proper disposal method(s) would be determined and soils managed accordingly.

L. Asbestos

A screening for the potential presence of asbestos containing materials ("ACMs") was conducted as part of the STC/BOH project, summarized in Section 4.4.11 and fully presented in Appendix G of the FDR/FEIS/4(f). With regard to Ohio Street, no areas of potential ACMs were identified from review of record plans, however, visual inspection of the Truck/Train Terminal at 630 Ohio Street (previously slated for razing) has a high probability for ACMs. Insofar as this aspect of the Proposed Action has now been avoided through design refinements, no significant impacts associated with asbestos are anticipated.

M. Coastal Zone

A coastal zone consistency review, in accordance with the U.S. Coastal Zone Management Act of 1972, was undertaken as part of the STC/BOH project. This is summarized in Section 4.4.12 and fully presented in Appendix H of the FDR/FEIS/4(f). This review indicated that all aspects of the STC/BOH project, inclusive of the reconstruction of Ohio Street, is consistent with the New York State coastal policies at 19 NYCRR 600.5 and local policies under the City of Buffalo Draft Local Waterfront Revitalization Program ("LWRP").

N. Construction

Short-term environmental impacts can be expected from construction activities associated with the Proposed Action. These impacts would be controlled to the greatest possible extent through the application of best practices with regard to construction activities. These impacts anticipated will be temporary and consist of the following:

- The generation of dust and noise from the construction equipment, which would be abated by requiring contractors to utilize effective dust suppression methods and through compliance with the City of Buffalo local noise ordinance by implementing measures such as daytime work periods and mechanical features such as providing adequate mufflers on all equipment;
- Inducement of surface runoff that could cause a temporary increase in silt loads and affect surface water quality, which would be controlled through implementing soil erosion and sedimentation prevention/control measures, so that adjoining surface waters would not be adversely impacted; and
- Traffic delays associated with construction work zones and road detours, which would be controlled through maintenance and protection of traffic ("MPT") plans to ensure that access through the Project corridor and to uses along it is maintained and traffic delays are kept as short as possible, implemented through the use of construction contract requirements such as the structuring of contract pay items.

O. Indirect/Secondary Impacts

Indirect/secondary impacts are those that are likely to occur because of implementation of the Project (i.e., future development and economic growth). As noted in Section B.1 above, with implementation of Proposed Action, a primary secondary impact could involve new commercial and residential growth along Ohio Street, where streetscape design, roadway improvements, and bicycle/pedestrian access improvements would be implemented.

Overall, these secondary impacts are considered positive and desirable, in the context of the Project objectives of recapturing the waterfront and redevelopment of former industrial sites for new uses intended to contribute to the region's economic well-being and quality of life in the 21st century. However, from an environmental review perspective, such secondary development could result in: 1) localized effects to land use patterns and community character; and 2) effects to sites containing contaminated soils. These impacts would be mitigated through the administration and implementation of already-existing and evolving review processes and regulations to ensure that new uses would not result in significant effects to the built and natural environment. For example, the City already has an extensive public site plan review process for new development proposals, administered by the City of Buffalo Planning Board. This is also the context for any subsequent SEQRA documentation efforts for new development. In addition, the City is in the midst of updating its citywide development regulations consistent with the policies in the City's updated Comprehensive Plan, which was

the subject of its own SEQRA review process. Known as the “Green Code”, the City’s new Unified Development Ordinance involves context sensitive standards for new development, inclusive of infill development along Ohio Street and along the Lake Erie waterfront, consistent with the City’s policies in its Draft LWRP. Prior to adoption of the Green Code by the Buffalo Common Council, the administration of such new standards will be the subject of subsequent SEQRA documentation. Finally, considering that most, if not all, potential redevelopment and/or infill parcels along Ohio Street would involve former industrial or heavy commercial uses; new development along the corridor would likely be conducted in accordance with standards for receiving tax credits under the State’s brownfield development program. Such standards involve coordination with NYSDEC regarding the proper clean-up, handling, and disposition of contaminated soils that may be encountered on such brownfield parcels.

P. Cumulative Impacts

Cumulative impacts consist of social, economic, and environmental impacts which could result from the incremental impact of a project when added to other past, present, and reasonably foreseeable future actions regardless of what agency or private entity undertakes such other actions. The STC/BOH FDR/FEIS/4(f) included an analysis of recent and planned redevelopment and infrastructure investments in the STC/BOH project area or in immediately surrounding areas. This involved itemizing roughly \$130 million in activities that may affect and/or be affected by elements of the STC/BOH project. These activities, like the STC/BOH project, are all meant to foster a resurgence of economic vitality on the City’s waterfront. Realization of such other activities is viewed as a positive effect in the context of the project objectives to begin to address well over 30 years of blighted conditions resultant from the past industrial activities.

Anticipated development that is hoped to be induced from the STC/BOH project, inclusive of improved access to the Outer Harbor from the reconstruction of Ohio Street, could result increases in the inhabitation of waterfront areas, increases in traffic volumes, and associated effects of this induced traffic on air quality and noise. It could also result in effects to land use patterns and community character, as well as potential exposure to inactive hazardous waste sites and contaminated soils.

Consideration of most of these potential cumulative impacts was included in the STC/BOH FDR/FEIS/4(f), or would be addressed through review/approval processes conducted by other agencies. For example, the STC/BOH project’s overall analysis of transportation effects (as discussed above in Section IV. C.) was indeed a cumulative analysis using a projected development scenario for the Year 2030 (i.e., the future design year). Particular effort was made to ensure that regional traffic growth and impacts of ongoing redevelopment efforts were included in this analysis. This involved the use of the regional travel demand model administered by the Greater Buffalo Regional Transportation Council (“GBNRTC”) and demographic projections at the Traffic Assessment Zone (TAZ) level, in terms of future households and jobs in each TAZ in 2030. The transportation analysis projected/distributed 2030 traffic in the STC/BOH projected to be generated through background growth, plus traffic

associated with anticipated future waterfront redevelopment activities anticipated to be completed by 2030, such as:

- A full build-out of the Buffalo Lakeside Commerce Park (being developed on former industrial lands around the Union Ship Canal on the Outer Harbor);
- A full redevelopment of the former Bethlehem Steel site on Lake Erie in Lackawanna;
- A full mixed-use development of the largely-vacant NFTA Outer Harbor Lands (i.e., former Port of Buffalo on Fuhrmann Boulevard);
- Clean-up and full redevelopment of the vacant former LTV/Republic Steel site (former industrial lands south of South Park Avenue and north of Tifft Street); and
- Limited infill development along the Ohio Street corridor.

The projected 2030 traffic levels (i.e., in terms of such indices as vehicle miles traveled, level of service, average annual daily traffic, and peak-hour traffic) then subsequently served as the basis for what were also cumulative assessments of air quality and noise in the FDR/FEIS/4(f), as discussed above in Section IV. I and Section IV. J, respectively.

Further, as also noted in Section O. above, cumulative effects with regard to potential changes to land use patterns and community character are fully considered in the City's Draft LWRP and updated Comprehensive Plan, and are also being considered in the formulation and finalization of the City's Green Code. Similarly, with regard to inactive hazardous waste sites or brownfield sites containing contaminated soils, such future developments fostered by the improvements under the STC/BOH project, inclusive of Ohio Street, would likely be undertaken in conjunction with standards of the State's brownfield development program or equivalent health and safety regulations of other state/federal programs such as under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or federal "Superfund"), the Resource Conservation and Recovery Act ("RCRA") and/or the NYS Inactive Hazardous Waste Disposal Site Program ("State Superfund").

V. CERTIFICATION OF FINDINGS

Having considered the FDR/FEIS/4(f), ROD, and the 2012 Re-Evaluation Statement pertaining to Ohio Street, including public comments received, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9 and 617.11, ECHDC finds and certifies that:

1. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of the New York State Department of Environmental Conservation, 6 NYCRR Part 617, have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the Proposed Action will minimize or avoid, to the

maximum extent practicable, the adverse environmental effects including the effects disclosed in the FDR/FEIS/4(f), ROD, and 2012 Re-Evaluation Statement, and set forth in this Findings Statement;

3. Consistent with the social, economic and other essential considerations described above, the incorporation in the development of this facility of the mitigation measures described in the FDR/FEIS/4(f), ROD, 2012 Re-Evaluation Statement and in this Findings Statement, will minimize or avoid the adverse environmental impacts associated with the development of the Project identified in the FDR/FEIS/4(f), ROD, 2012 Re-Evaluation Statement, and in this Findings Statement; and
4. The project is in compliance with Section 14.09 of the New York State Historic Preservation Act.

Agency: Erie Canal Harbor Development Corporation

Signature of Responsible Officer: _____

Name of Responsible Officer: Thomas Dee

Title of Responsible Officer: President

Date: _____