

FOR CONSIDERATION

September 17, 2009

TO: The Directors

FROM: Dennis M. Mullen

SUBJECT: Canal Side (Buffalo)- Draft Generic Environmental Impact Statement

REQUEST FOR: Authorization to Accept a Draft Generic Environmental Impact Statement;
Authorization to Issue a Notice of Completion and Hold a Public Hearing;
Authorization to Take Related Actions.

I. Project Description

The Canal Side Project (the “Project”) is being pursued by the Erie Canal Harbor Development Corporation (ECHDC), a subsidiary of ESDC. The Project consists of over 1 million square feet of commercial (retail, lodging, and office), cultural, and residential space along the Buffalo waterfront that would be designed to emphasize downtown Buffalo’s connection to the Lake Erie waterfront through the construction of a network of interpretive water elements evoking the character and vibrancy of the historic canals that once crossed the area, including segments of the Erie Canal, the Commercial Slip, and the Prime Slip. Anchored by a Bass Pro Outdoor World Store, a destination retailer, the Project would provide various year-round offerings and experiences, including restaurants, entertainment venues, retail outlets, cultural attractions, vast public spaces, and increased access to the Buffalo River, appealing to a wide demographic of visitors and residents. The Project would include over 2,500 structured and on-street parking spaces for Canal Side visitors within the Project Area.

The Project Area is adjacent to the Commercial Slip area and the Naval and Military Park, each recently redeveloped by ESDC and ECHDC as part of the decades-long effort led by the City, ESDC and many other stakeholders to create a vibrant Erie Canal Harbor area. These planning efforts by ESDC began in earnest with the development of a master plan for the waterfront in 1999 (“1999 Master Plan”) and continued with the establishment of ECHDC in 2005 as a development agency with a singular focus on redevelopment of Buffalo’s downtown waterfront. Since its creation, ECHDC has facilitated the next phase of waterfront development by guiding design and development of the Project, including negotiations and planning to attract destination retail and select a preferred developer.

It is envisioned that ECHDC will be primarily responsible for development of public amenities and public spaces. Public amenities include the parking structure on the Aud Block and Canal Side Hall and Commons. Public spaces include the Central Wharf Green, the Skyway Plaza and the Canals and aquarium. Bass Pro Outdoor World LLC (“Bass Pro”) will be responsible for the

development of the Bass Pro Outdoor World Store. Bass Pro has established many destination retail stores across the country. Affiliates of Benderson Properties Inc. (“Benderson”) will be responsible for the development of the balance of commercial and residential properties described herein. Benderson is one of the largest privately owned development companies in North America, owning and managing over 250 properties in over 35 states.

II. Project Location

The Project is located on approximately 20 acres of vacant or unused land in downtown Buffalo, and is generally bounded by the following streets:

- On the north by Upper Terrace and Exchange Streets and Perry Boulevard;
- On the east by Washington Street and Seymour H. Knox III Plaza;
- On the south by Perry Street and Buffalo River; and
- On the west by Erie Street, Marine Drive, and Pearl and Commercial Streets.

III. Environment Review

A Draft Generic Environmental Impact Statement (“DGEIS”) for the Project has been prepared in accordance with the requirements of the State Environmental Quality Review Act (“SEQRA”). The DGEIS was prepared by Parsons Brinckerhoff (ECHDC’s consultant) and its various sub-consultants. The DGEIS includes significant input from staff of the Corporation and the Corporation’s environmental counsel, Phillips, Lytle. The DGEIS includes extensive technical analyses of potential impacts on the environment, including air quality, traffic, noise, social, historic, economic and other conditions, and proposes measures to mitigate any identified potential significant adverse impacts of the proposed Project, where feasible. It also considers alternatives to the Project. On September 8, 2009, the Board of Directors of ECHDC recommended that the ESDC Board of Directors accept the DGEIS as adequate with respect to its scope and content for the purposes of commencing public review.

Staff believes that the DGEIS is satisfactory with respect to its scope, content and adequacy for purposes of SEQRA and the implementing regulations of the New York State Department of Environmental Conservation. Once accepted by ESDC’s Directors, acting as lead agency under SEQRA, staff will issue a Notice of Completion (“NOC”) and undertake to file and circulate the NOC and DGEIS as required by SEQRA. Circulation of the NOC and DGEIS affords an opportunity for the public and involved interested parties to review and comment on the proposed Project for a statutorily required minimum period of 30 days. All substantive comments received by ESDC on the DGEIS will be addressed in the Final GEIS. Once approved by ESDC’s Directors, a duly-noticed public hearing will be held on the DGEIS pursuant to SEQRA.

Recommendation:

Based upon the foregoing, the Directors are requested to: 1) accept the Draft Generic Environmental Impact Statement as adequate; 2) authorize the issuance of a Notice of Completion and the undertaking of a public hearing(s) as required under SEQRA; and 3) take all related actions.

Attachments

Resolutions

Attachment A – DGEIS

Attachment B – Addendum to DGEIS

September 17, 2009

Buffalo (Erie County) - Canal Side Project – Acceptance of Draft Generic
Environmental Impact Statement

RESOLVED, that the Draft Environmental Impact Statement (“DGEIS”) for the Canal Side Project, as presented at this meeting, a copy of which is hereby ordered filed with the records of the Corporation, is satisfactory with respect to its scope, content, and adequacy for purposes of the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations of the New York State Department of Environmental Conservation, and it is hereby accepted by the Corporation as adequate with respect to its scope and content for the purposes of commencing public review; and be it further

RESOLVED, that the Corporation is hereby authorized to publish, circulate and file the accepted DGEIS in the manner required by SEQRA and the implementing regulations of the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the Chairman and Chief Executive Officer-Designate or his designee(s), be and the same hereby is, authorized in the name of and on behalf of the Corporation to take such actions as may be considered necessary or appropriate to comply with the requirements of SEQRA, including without limitation, the holding of a public hearing under SEQRA, the issuing of a notice of completion, the providing, filing or making available of copies of the DGEIS or the summary thereof, the fixing of a date for such hearing, the publication of a notice relating to the DGEIS and such hearing in accordance with SEQRA, the implementing regulations of the New York State Department of Environmental Conservation, other applicable law, and the procedures heretofore approved by the Corporation with respect to similar hearings, and the making of a report or reports to the Directors on such hearing and written comments received.

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