Exhibit A

STATE ENVIRONMENTAL QUALITY REVIEW

Richardson Olmsted Complex
Civic and Land Use Improvement Project

Buffalo, New York

New York State Urban Development Corporation
d/b/a Empire State Development Corporation

FINDINGS STATEMENT

Pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act [SEQRA]) and 6 NYCRR Part 617, the New York State Urban Development Corporation d/b/a Empire State Development Corporation (ESDC), as lead agency under SEQRA, makes the following findings.

Name of Action: Richardson Olmsted Complex
Civic and Land Use Improvement Project

Project Location: The Project is located on approximately 91 acres of land owned by the New York State Office of Mental Health (OMH), situated in the northwest portion of the City of Buffalo, Erie County, New York (the "Project Area"), in an area generally bounded by the following streets:

- On the north by Rockwell Road;
- On the east by Elmwood Avenue;
- On the south by Forest Avenue; and
- On the west by Rees Street.

I. DESCRIPTION OF THE ACTION

1. Background

The Richardson Olmsted Complex ("ROC") consists of a series of 19th-century, former Buffalo State Hospital buildings designed by Henry Hobson Richardson and grounds designed by Frederick Law Olmsted and Calvert Vaux. The complex is designated as a National Historic

Landmark ("NHL") and is listed on the State and National Registers of Historic Places ("S/NRHP"). These designations recognize, among other reasons, that the complex the first to display H.H. Richardson's characteristic style—what came to be known as "Richardsonian Romanesque"—and that the complex is internationally regarded as one of the best examples of its kind.

Starting in the 1960s and culminating in 1994 as a result of changes in the care and treatment of mental illness, OMH progressively transferred all its clinical and administrative functions from the former Buffalo State Hospital buildings to newly-constructed buildings immediately to the east of the 19th-century complex (now known as the Buffalo Psychiatric Center ["BPC"]). Since this time, the former Buffalo State Hospital buildings have remained vacant and underutilized and have experienced extensive deterioration and periodic instances of vandalism.

2. State of New York Funding

In January 2006, the Governor and the NYS Assembly announced how $100 million in legislative appropriations, which had been appropriated two years earlier, would be divided among a number of cultural and architectural renewal projects in Buffalo. This included $76.5 million in State funds to be used toward the rehabilitation of the ROC. These State funds are being administered by ESDC and are being provided to the Richardson Center Corporation ("RCC"), a not-for-profit corporation established to spearhead an effort to rehabilitate and realize new uses for the ROC's historic buildings and grounds.

3. The Proposed Project – The Richardson Olmsted Complex Master Plan

After the undertaking of an extensive program of technical analysis of building conditions, historic/cultural landscape assessments and wide-reaching public/stakeholder involvement, the RCC drafted a Master Plan (the "ROC Master Plan", the "Project" or "Preferred Alternative") that comprises a collection of programs and activities for the stabilization, rehabilitation, and adaptive reuse of the ROC's historic buildings and grounds.

The ROC Master Plan consists of four phases over a ~20-year period, including the "Core Project"; the "Expanded Core Project"; "Full Reuse of All Historically Significant Structures"; and "Development Landholding" development phases. At full build-out, the Project would comprise a maximum of 880,000 gross square feet ("GSF") of building space, including reusing approximately 480,000 GSF of existing building space and constructing up to 400,000 GSF of new building space. In addition, the Project includes stabilizing, rehabilitating, and reusing the historic Buffalo State Hospital buildings, rehabilitating the Olmsted and Vaux-designed hospital grounds, and reconfiguring the on-site vehicle and pedestrian circulation system and parking areas. These planned activities would increase public access and create a mixed-use destination centered around, and identified jointly with, the iconic towers of Building 45, the Administrative Building of the former Buffalo State Hospital.

State of New York funds administered by ESDC would be used for initial phase activities under the "Core Project", leveraging the $76.5 million to complete activities with a total budget estimated to be in excess of $105 million.

The Project would also involve the transfer of property that was declared as "surplus" by

OMH from the State of New York to the RCC. This includes transfer of ±42 acres of land that contains the now-vacant Buffalo State Hospital buildings/grounds. The remaining approximately 49 acres of the site are expected to be retained by their current owners, including ±41.6 acres retained by OMH, ±2.5 acres utilized by BSC for a large maintenance facility and 4.9 acres by the Burchfield Penney Art Center.

The proposed Project was classified as a Type I action under SEQRA. In addition to review under SEQRA, the following reviews, permits and/or approvals have been or would be required to facilitate the proposed Project:

- New York State
  - Special legislation transferring surplus OMH lands to the RCC

- Empire State Development Corporation
  - General Project Plan

- New York State Public Authorities Control Board
  - Review/approval of ESDC General Project Plan

- Dormitory Authority of the State of New York
  - Site improvements
  - Relocation of OMH and BSC maintenance facilities

- New York State Office of Mental Health
  - Land transfer to ESDC or RCC
  - Relocation of surface parking lots and access/circulation improvements on OMH lands
  - Relocation of OMH maintenance facilities

- New York State Department of Environmental Conservation
  - SPDES General Permit for Construction Activities
  - Petroleum and/or Chemical Bulk Storage Permits

- New York State Office of Parks, Recreation, and Historic Preservation
  - Consultation with ESDC and other state agencies under Section 14.09 of NYS Historic Preservation Act on potential effects to S/NRHP-listed and S/NRHP-eligible resources

- Buffalo State College
  - Vehicular access to Rockwell Road
  - Maintenance facility relocation

- City of Buffalo Common Council
  - Modification or waiver of reversion rights
  - Amendment of City Zoning Ordinance/zoning classifications to permit new uses under ROC Master Plan

- Dedication of any new public rights-of-way, if applicable

- City of Buffalo Planning Board
  - General Project Plan recommendation
  - Recommendations regarding Zoning Ordinance amendments
  - Site plan review

- City of Buffalo Sewer Authority
  - Design for sanitary and storm sewer lines and connections

- City of Buffalo Department of Public Works, Streets and Parks
  - Street modifications, utilities, sidewalks, curb cuts, etc. in public rights-of-way

- City of Buffalo Water Board
  - Design of water lines and connections

II. FACTS AND CONCLUSIONS IN THE SEQRA PROCESS RELIED UPON TO SUPPORT THE DECISION

1. ESDC conducted a coordinated review pursuant to SEQRA.
2. ESDC commenced the SEQRA process for the Project in July 2008 by circulating a notice of intent to act as lead agency along with a Full Environmental Assessment Form to all then-known interested or involved agencies.

   - Buffalo Common Council
   - City of Buffalo Department of Economic Development
   - City of Buffalo Dept. of Permits, Inspections, & Economic Development
   - City of Buffalo Department of Public Works, Parks, and Streets
   - City of Buffalo Fire Department
   - City of Buffalo Office of Strategic Planning
   - City of Buffalo Planning Board
   - City of Buffalo Police Department
   - City of Buffalo Preservation Board
   - City of Buffalo Sewer Authority
   - City of Buffalo Zoning Board of Appeals
   - Erie County Department of Planning and Environment
   - Dormitory Authority State of New York
   - New York Office of Parks, Recreation, and Historic Preservation/State Historic Preservation Officer
   - New York State Office of General Services
   - NYS Department of Transportation – Region 5
   - NYS Dept. of Environmental Conservation - Region 9
   - NYS Office of Alcoholism and Substance Abuse Services
   - NYS Office of Mental Health, Buffalo Psychiatric Center

- NYS Office of Mental Health, Headquarters

3. None of the potentially interested or involved agencies objected to the ESDC acting as lead agency pursuant to SEQRA and the ESDC was properly established as the SEQRA Lead Agency for the Project in August of 2008.
4. In July, 2009, RCC held a public meeting to unveil the overall goals and major components of the ROC Master Plan.
5. In December 2009, ESDC issued a positive declaration for the Project requiring the preparation of the Draft Generic Environmental Impact Statement ("DGEIS").
6. Following the positive declaration, a Draft Scoping Report was issued. A Public Scoping Meeting to solicit comments on the draft scope was held on December 17, 2009 and a Final Scoping Document was issued in April 2010.
7. Following issuance of the Final Scoping Document, the DGEIS was prepared pursuant to the requirements of SEQRA. On December 16, 2010, the ESDC Board of Directors determined that the DGEIS was complete and adequate and accepted it for public review and authorized the holding of a public hearing. This initiated a 30-day public comment period.
8. A Notice of Completion of the DGEIS and Notice of Public Hearing appeared in The Buffalo News on December 20, 2010 and the Environmental Notice Bulletin ("ENB") on December 29, 2010.
9. The DGEIS was mailed to the interested and involved agencies and copies of the DGEIS were made available for public review at the ESDC Buffalo office and at the Central Branch and Crane Branch of the Buffalo and Erie County Public Library. A copy of the DGEIS was also posted on the RCC website.
10. A Public Hearing regarding the DGEIS was held on January 6, 2011. The public comment period ended on January 17, 2011, although comments and/or clarifications to comments that were received as late as January 20, 2011 were accepted.
11. The Final Generic Environmental Impact Statement ("FGEIS") was accepted by the ESDC Board of Directors on March 23, 2011 and a Notice of Completion of the FGEIS appeared in the Buffalo News on March 30, 2011 and in the ENB on April 6, 2011.
12. The FGEIS was mailed to the interested and involved agencies and copies of the FGEIS were made available for public review at ESDC's Buffalo office and the Central Branch and Crane Branch of the Buffalo and Erie County Public Library. A copy of the FGEIS was also posted on the RCC website. Pursuant to SEQRA, the FGEIS was available for a minimum of 10 days to afford agencies and the public a reasonable time period in which to consider the FGEIS before ESDC issued its written findings statement on the proposed action and General Project Plan.
13. ESDC has carefully and thoroughly reviewed the information contained in the DGEIS, including all appendices and the comments to the DGEIS, and the FGEIS including all appendices (collectively referred to as the "GEIS"). ESDC finds that the GEIS provides a

thorough examination of all of the important potential impacts that would result from undertaking the Project. ESDC has carefully reviewed, questioned and analyzed the various impacts of, alternatives to, and potential mitigation measures for the Preferred Alternative and weighed these issues against the social and economic benefits of the Preferred Alternative and other essential considerations.

14. ESDC recognizes that while qualified experts on any topic may differ in their conclusions and, in particular, may differ in the judgments employed during analysis, believes it has more than adequate information to evaluate all of the benefits and potential impacts of the Project as a basis for considering whether to undertake the Project.

III. PURPOSE, NEED AND BENEFITS

The purpose of the Project is to provide for the rehabilitation and reuse of the historically significant buildings to be acquired by the RCC (i.e., also commonly referred to as Buildings 9, 10, 12, 13, 27, 30, 38, 39, 40, 41, 42, 43, 44 and 45), landscape/grounds, and supporting infrastructure in a manner consistent with the ROC Master Plan. The public need for the Project is to provide for the rehabilitation of the historically significant and currently vacant and deteriorating Richardson-designed former Buffalo State Hospital buildings and the Olmsted and Vaux-designed grounds and provide the local community the opportunity for economic development.

The Project would involve expending State funds administered by ESDC to undertake activities that are an outgrowth of the ROC Master Plan.

The ROC Master Plan envisions the rehabilitation of the ROC to be the crowning jewel of a mixed-use, multi-purpose campus of public and private activities. The ROC Master Plan aims to create an economically self-sustaining and environmentally sustainable campus for architectural, educational, cultural, and recreational activities for the benefit of the residents of and visitors to the City of Buffalo's Museum District, the Elmwood Village, and the entire Buffalo Niagara Region.

The ROC Master Plan developed the following goals and objectives to achieve this purpose and need:

1. **Rehabilitate the historic Richardson-designed buildings for a mix of public and private uses.**
    - Stabilize buildings to prevent further deterioration pending future development.
    - Rehabilitate buildings according to federal and state historic preservation standards, using the *Historic Structures Report* and *Cultural Landscape Report* as guidance.
    - Focus internal rehabilitation efforts on Buildings 45, 44, and 10.
2. **Rehabilitate the landscape and improve site circulation, access and parking.**
    - Rehabilitate the Olmsted-Vaux landscape utilizing recommendations from the *Cultural Landscape Report*.

- Create a new cohesive landscape plan for the site that serves contemporary uses and users.
- Reduce the amount of surface parking in the "South Lawn" by relocating spaces.
- Address the BPC parking needs within the active portion of the campus center.
- Relocate the BSC and BPC maintenance buildings (non-historic structures) to more suitable locations.
- Establish pedestrian and vehicular circulation through the site connecting BSC with area neighborhoods.
- Rationalize parking on site to meet requirements for new uses.

3. Create a place for architectural, educational, cultural, residential, hospitality, and recreational activities for the benefit of the residents of and visitors to the Richardson Community, the Museum District, the Elmwood Village, and the entire Buffalo Niagara Region.

- Create Architecture and Buffalo Visitor Centers that showcase the architecture and cultural amenities of Buffalo-Niagara and the bi-national regions.
- Encourage new uses that complement and support the Museum District.
- Create synergies with the BSC campus.
- Focusing on uses that improve the surrounding communities and become the foundation for neighborhood revitalization.
- Respect the needs and rights of the BPC patients and families.

4. Create a campus that would succeed economically.

- Use public dollars to leverage private investment.
- Place the highest development priority on the reuse of the historic buildings rather than on the construction of new facilities.
- Create a mixed-use, multi-purpose campus.
- Develop a reuse plan for the ROC that is economically self-sustaining.
- Focus on a tenant mix of public and private sector uses.

5. Create an environmentally sound Richardson Olmsted Complex.

- Apply sustainable design principles in ROC reuse.

IV. PROJECT ALTERNATIVES CONSIDERED

1. Preferred Alternative - The Richardson Olmsted Complex Master Plan

The Preferred Alternative, the future development scheme embodied in the ROC Master Plan, is an outgrowth of an earlier concept in the ROC master planning process referred to as the "East-West Address Road". The Preferred Alternative evolved from the RCC's overall planning

and public/stakeholder outreach and was found to best align with Project goals. Specifically, this scheme focuses on the rehabilitation of the historic structures, rehabilitation of the Olmsted/Vaux-designed grounds, and the fostering of an overall cohesive landscape, which would allow for an economically-viable program of incremental, mixed-use reuse and redevelopment of the complex.

The Preferred Alternative would be implemented in four stages (i.e., Core Project, Expanded Core Project, Full Reuse of All Historically Significant Structures, and Development Landholding) over a 20-year build-out period with flexibility to accommodate market conditions and as improvements to on-site capacity is developed. At full build-out, the Project would be composed of a maximum of 880,000 gross square feet of redeveloped and new building space. Each phase is summarized below.

Core Project

The Core Project would be the first stage of development and includes prioritizing landscape investments, stabilizing buildings, increasing public access, and creating approximately 188,000 GSF of development (i.e., architecture center, visitor center, boutique hotel, and conference and event space). The development plan would create an integrated, multi-use real estate project with Building 45 and its iconic towers as the central element.

The Core Project would focus on the following baseline priorities: rationalize the site to remedy site circulation and create a more unified design and reduce surface parking; prioritize landscape investment to restore the park-like atmosphere of the campus; building reuse and preparation to identify potential uses and space planning needs; building stabilization to ensure that safe, intact building shells will be available for future uses; and public access to open the grounds to the surrounding community.

The Core Project would redevelop and reuse 188,000 GSF of existing building space. While the exact distribution of the Core Project program is not yet determined, the following anticipated uses would include:

- Architecture center (33,434 GSF);
- Visitor center (8,332 GSF);
- Boutique hotel (104,468 GSF); and
- Conference and events space (41,766 GSF).

The Expanded Core Project

The scope of the Expanded Core Project would include redeveloping Buildings 9, 13, and 15 to the east of the Core Project and Building 42 to the west, adding 161,000 GSF of active uses, as market demand permits, with the following anticipated uses:

- Arts-related use (53,946 GSF); and
- Academic-related use (107,054 GSF).

The remainder of the historic structures (Buildings 38–41) would be stabilized and mothballed, pending the identification of a suitable use. In addition, this stage envisions the

removal and/or relocation of the functions of the BPC maintenance facility (assuming a consensus on this can be reached with appropriate stakeholders); landscape stabilization along Rockwell Road; additional landscape improvements at Elmwood and Forest Avenues; removal of unnecessary roads and parking lots; and pedestrian and vehicular circulation system improvements.

Full Reuse of All Historically Significant Structures

The Full Reuse of All Historically Significant Structures phase would include the full stabilization and reoccupation of Buildings 38, 39, 40 and 41, comprising an additional 131,000 GSF, occupied by a single institutional user, residential programs, or condominium-style commercial development. While the exact distribution of the Full Reuse of All Historically Significant Structures program is not yet determined, it was assumed for the purposes of environmental analysis that this stage of development would include 131,000 GSF of institutional type land uses. Landscape improvements would extend to the entire 91-acre site, and this stage envisions the relocation of the Buffalo State College maintenance facility. Site access and circulation improvements would continue to support new development and facilitate shared use of the site by the Buffalo Psychiatric Center.

Development Landholding

A 21.5-acre portion of the ROC, referred to as the "Northern Lands," represents potential opportunities for up to 400,000 GSF of new development that could enhance the complex and bring necessary revenue to the ROC. While the exact distribution of the Development Landholding program is not yet determined, it is assumed for the purposes of this environmental analysis that this stage of development would include a maximum of 400,000 GSF of commercial type land uses. If such new development occurs, the goal would be to attract uses that enhance, rather than detract from the historic complex and bring additional vitality to the surrounding landscape. Strategic clustering of development in specific zones would allow for a more cohesive relationship between the buildings and the land. Multiple development scenarios are possible in this area, and if developed, would be designed in a manner that respects the character of historic buildings and preserves vast portions of the property as open space.

The realization of new development in the Northern Lands area is not anticipated to be advanced through the use of State funds administered by ESDC. Further, it would require review and approval of the City of Buffalo Planning Board and Common Council associated with the necessary zoning revision and site plan review, as well as consultation with OPRHP with respect to potential impacts to history and archaeological resources (i.e., buildings, grounds, and viewsheds). Because anticipated uses, scale, and development types in the Northern Lands are now pre-conceptual, future development of these areas may necessitate supplemental environmental/public review. Therefore certain thresholds for such future uses have been established through the SEQRA process to identify necessary future review/documentation requirements.

2. No-Build Alternative

The No-Build Alternative establishes a baseline to help qualitatively and quantitatively assess

the benefits and impacts associated with identified feasible alternatives. The No-Build Alternative would assume buildings are left in their current state of deterioration with the exception of emergency repairs. On-site surface parking would remain in its current location and in its current size. Landscape improvements to the grounds would not occur and no pedestrian or vehicular improvements would be made to the grounds. New York State would retain ownership of the property and it would continue to be administered by OMH with no change in funding levels.

3. Alternatives Reviewed and Eliminated from Detailed Study

During the Master Planning process, three other alternatives were considered but eliminated from detailed study since they did not align with the project goals as well as the East-West Address Road Alternative. These are the Northwest Quadrant Alternative, the Central Development Alternative, and the Rockwell Loop Alternative; all are described below. For the purposes of the DGEIS, these alternatives were considered not to be reasonable and foreseeable reuses of the property.

Northwest Quadrant Alternative

The North Quadrant alternative, concentrates development on the Northern Lands (also referred to as the "Northwest Quadrant"). This alternative was not selected because the focus on new development could supersede focus on the historic buildings. While not selected, the Northwest Quadrant was identified as a reasonable location for infill development and was integrated into the East-West Address Road alternative. The Northwest Quadrant has the least landscape integrity and was the location of the working agricultural lands and not a pastoral Olmstedian landscaped area of the grounds.

Central Development Alternative

The Central Development alternative proposed development of a campus for one large institutional user. This alternative was not selected because the focus on new development could supersede the focus on the historic buildings. Additionally, the likelihood of securing one institutional user did not seem likely and did not meet the goal of creating an economically viable mixed-use campus.

Rockwell Loop Alternative

The Rockwell Loop alternative proposed new development exclusively to the north and northwest of the historic buildings, while forgoing improvements to the historic buildings themselves. This alternative was not selected because the focus on new development would supersede focus on the historic buildings. More pointedly, expending the allocated funds on new development, rather than on the historic buildings, would allow the historic buildings to further deteriorate.

V. CONSTRUCTION SCHEDULE

Construction of the four phases is anticipated to occur over a twenty-year period. Near-term Core Project actions are the following:

- South Lawn rehabilitation is anticipated to begin in June 2011.
- Core Project building rehabilitation is anticipated to begin in late 2012 or early 2013.

VI. PROBABLE ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS OF THE PROPOSED ACTION

The FGEIS provides a thorough and comprehensive analysis of the environmental, social and economic impacts associated with the Project (i.e., Core Project, Expanded Core Project, Full Reuse of All Historically Significant Structures, and Development Landholding) and the No-Build Alternative. The FGEIS identified environmental issues as described below.

1. Cultural Resources

The FGEIS evaluated the potential impacts on Cultural Resources that are listed or eligible for listing on the S/NRHP within and in the vicinity of the Project Area. This included evaluating potential effects to historic and archaeological resources.

Historic Properties/Architectural Resources

No-Build Alternative

Under the No-Build Alternative, the historic buildings and grounds of the ROC would be retained by New York State and no transfer of surplus lands would occur. No reuse or redevelopment of the historic Buffalo State Hospital, its grounds, or new development in the northern parcels would occur under this alternative. Under the No-Build Alternative, no building stabilization work would be implemented beyond that which is currently under way. As a result, it is anticipated that the buildings and site would further deteriorate.

Build Alternative

Implementation of the ROC Master Plan would not result in significantly adverse impacts to properties included in or eligible for listing in the S/NRHP (i.e., Buffalo State Hospital buildings). Importantly, the implementation of the first three phases of the ROC Master Plan, including the Core Project, Expanded Core Project, and Full Reuse of All Historically Significant Structures, would be expected to have a beneficial impact on the historic Buffalo State Hospital buildings. These three phases would include the stabilization, redevelopment, and reuse of these currently vacant and underutilized buildings and surrounding grounds. It would also include components that would increase the level of access and interpretation of the ROC's resources (e.g., Architecture Center and Visitor Center).

Implementation of the proposed Development Landholding phase could result in impacts to Building 30 (Wagon Shed) and visual impacts on the adjacent S/NRHP-listed historic properties and landscape. Building 30 is located in the northwest corner of the ROC property. This structure is currently used as a SUNY storage facility, but it is a contributing element of

the Buffalo State Hospital's NHL designation. New development in this area, as proposed under the Development Landholding phase, would have the potential to adversely impact this historic resource.

Archaeological Resources

No-Build Alternative

Under the No-Build Alternative, the historic buildings and grounds of the ROC would be retained by NYS and no transfer of surplus lands would occur. No reuse or redevelopment of the historic Buffalo State Hospital, its grounds, or new development in the northern parcels would occur under this alternative. The No-Build Alternative would not result in any impacts to S/NRHP-listed/eligible archaeological resources within the Project Area.

Build Alternative The implementation of the ROC Master Plan would have the potential to impact archaeological resources, specifically in the northwest corner of the ROC where the Development Landholding phase would occur. This phase includes the potential for up to 400,000 GSF of new development in the "Northern Lands" portion of the ROC, which is currently used partially as recreational fields/open space and surface parking. Of note, no programs or specific users have been identified for this phase of development. The Northern Lands have historically remained mostly undeveloped and includes a portion of the original hospitals farmlands. As stated by the OPRHP, due to the relationship of the site to the Scajaquada Creek, and the potential for Native American resources, the entire area has been determined archeologically sensitive.

2. Visual Resources

Impacts to visual resources occur when there is a detrimental effect on the perceived beauty of a place or structure. Significant aesthetic impacts are those that may cause a diminishment of the public enjoyment and an appreciation of an inventoried resource. The existing and potential aesthetic resources of the Project Area were evaluated to assess the aesthetic impacts of the Project alternatives.

No-Build Alternative

The No-Build Alternative would result in no significant change to the visual character of the Project Area or its surrounds. The existing landscape of the Project Area would remain, and Project redevelopment activities to improve the historic spatial organization, views and patterns would not occur. As a result, the visual environment, both buildings and landscape, is anticipated to further deteriorate, negatively impacting the surrounding neighborhoods.

Build Alternative

Implementation of the ROC Master Plan would not adversely impact visual resources at the ROC, including the historic Buffalo State Hospital Buildings and grounds. Importantly, the implementation of the first three phases of the ROC Master Plan, including the Core Project, Expanded Core Project, and Full Reuse of All Historically Significant Structures, would be expected to have a beneficial impact. These beneficial impacts would include the reuse of these currently vacant and underutilized buildings; stabilization and rehabilitation of the deteriorated and remaining Olmsted and Vaux-designed grounds, and the reconfiguration of

the existing on-site circulation and parking system.

Implementation of the proposed Development Landholding phase could result in visual impacts on the adjacent S/NRHP-listed historic properties and landscape. Specifically, construction of the proposed Development Landholding phase would introduce up to 400,000 GSF of new building space into a portion of the ROC that have remained largely undeveloped throughout its history.

In addition, the ROC Master Plan also proposes constructing a structure at the north side of Building 45 that would serve as a new visitor entrance to the ROC and include space for modern public accommodations (e.g., ADA compliance, elevators, restrooms, etc.). While specific details of this addition are not known at this time, it is proposed that the addition would be located at the northern/rear elevation of Building 45. The "preferred addition alternative" would comprise a multi-story structure, possibly glass, and would serve as the main entry point to the ROC. The addition would change the existing form of the north side of Building 45 and result in an impact to the existing character and views of the structure.

3. Land Use and Development Policies

The FGEIS examined the potential land use impacts resulting from the implementation of the Project Alternatives and the Project's consistency with existing land use controls and local development plans and policies for the City of Buffalo.

No-Build Alternative

Under the No-Build Alternative, the currently-vacant Buffalo State Hospital buildings and surrounding grounds would continue to be retained by New York State and no transfer of surplus land would take place. No reuse or redevelopment of the ROC property would occur under this alternative. Implementation of the No-Build Alternative would result in approximately 42 acres and 480,000 GSF of vacant and underutilized building space being left unused. As a result, the ROC would likely remain a "void" between the neighborhoods. The abandoned appearance of the site would continue to attract undesirable activities to it. The grounds would not be rehabilitated and opened for public use, and the opportunity to reuse the historic structure for complementary neighborhood uses would be missed.

Build Alternative

The Project would not result in a significant adverse impact to surrounding land use or community cohesion in the neighborhoods surrounding the ROC, which is composed of a fully developed urban environment and includes a mix of residential, commercial, academic, recreational, cultural land uses, and natural areas.

Approximately 42 acres of the ROC site have been designated as "surplus" property by OMH, and are available for redevelopment. Implementation of the ROC Master Plan would result in the stabilization, redevelopment, and reuse of approximately 480,000 GSF of currently vacant building space located within the historic Buffalo State Hospital and the construction of up to 400,000 GSF of new building space at the ROC. The build out would include a mix of land uses and activities including an architectural center, visitor center, boutique hotel, conference space, arts- and academic-related space, potential condominium-style development, and

other commercial use. The plan would also include landscape improvements to the historically significant Olmsted and Vaux-designed ROC grounds and other site improvements such as new internal circulation roads and walkways, parking, and improved public access to the site. The remaining ±49 acres of the site are expected to be retained by the current owner.

Implementation of the ROC Master Plan would likely have a beneficial impact on surrounding land uses and would fill a void in the existing urban form, since the historic Buffalo State Hospital buildings and surrounding grounds have sat vacant and underutilized for over 30 years. The Project is also expected to have a beneficial impact on neighborhood character and community cohesion by providing improved connectivity and linkages between the existing Project Area neighborhoods (i.e., Olmsted Crescent, Buffalo State College, Grant/Ferry Neighborhood, Forest Avenue & Vicinity, and Elmwood Village), local cultural attractions, and ROC grounds and activities.

The Project would largely adhere to local development policies including the *City of Buffalo Zoning Ordinance, Queen City in the 21st Century: the Buffalo Comprehensive Plan, Buffalo Psychiatric Center Master Plan,* and *The Olmsted City, the Buffalo Olmsted Park System: Plan for the 21st Century.*

The Project would accomplish the primary goals and objectives of the various plans that call for coordinated and strategic investments in economic development, neighborhood revitalization, and the infrastructure of the City to improve the quality of the physical environment and to reverse population and employment decline. This would be achieved by the ROC Master Plan resulting in the creation of a destination with multiple uses and activities that would create a vibrant urban setting for residents and regional visitors.

Although the Project would be consistent with most of the citywide development policies, it would require an amendment to the City of Buffalo's current Zoning Ordinance. The ROC is currently zoned as Dwelling District (R2). An identified action of the Project involves the RCC applying to the City of Buffalo to amend the City Zoning Ordinance to permit the uses proposed in the ROC Master Plan. In particular, the surplus lands would be proposed for re-zoning from its current Dwelling District (R2) classification to the Community Business District (C2) classification or an equivalent classification to specifically permit uses anticipated under the ROC Master Plan. Such a change in zoning classification would not be expected to adversely impact the surrounding neighborhoods due in part to the fact that the proposed ROC land uses complement the surrounding land uses.

The process to amend the zoning regulating the ROC would involve ample opportunity for public comment. The process involves public hearings by both the City Planning Board and Common Council. Additionally, the Common Council would have to make its own SEQRA findings.

4. Socioeconomics

The FGEIS included an analysis of the potential socioeconomic impacts (i.e., impacts upon population, income, employment, housing, and environmental justice) from the implementation of the Project and the No-Build Alternative.

No-Build Alternative

The No-Build Alternative would cause no changes in the population, housing characteristics, or income of the Project Area or the region. No redevelopment would occur at the installation under this alternative. Similarly, no change is anticipated in labor force size or characteristics, or unemployment rates or trends, as there would be no change in on-site uses or additional on-site development. Finally, the No-Build Alternative would provide no increase in the value of the Project Area or in tax revenues accrued from the Project.

Build Alternative

Implementation of the ROC Master Plan would not be expected to result in a significant adverse impact to the City of Buffalo or the region's population, housing characteristics, minority and low-income populations, residential/visitor market area, or tourism industry. Conversely, the Project would be expected to have a positive influence on the surrounding neighborhoods and community by providing an active, accessible and publically-oriented landscape, by having active uses within the ROC, and by prioritizing the site as a catalyst for neighborhood revitalization initiatives directed by the city. Furthermore, redevelopment and reoccupation of the currently vacant Buffalo State Hospital has the potential to improve:

- The quality of life of the surrounding neighborhoods by providing public recreation space and gathering areas;
- Public accessibility of the site, including enhancing connections between surrounding residential neighborhoods, commercial districts, institutions, and cultural amenities; and
- Opportunities for economic development that could attract people to the ROC; increase the success of neighborhood businesses and the regional economy; and improve connections of site users to the surrounding community businesses districts and surrounding cultural and tourism assets.

The Project would not result in an adverse employment or fiscal impact on the City or region, but would be expected to have a positive short-term (construction) and long-term economic and fiscal impact. Implementation of the Project would result in beneficial direct and indirect employment and fiscal impacts as well as accrual of tax revenues due to changes in land use at the ROC. Direct impacts are consequences of economic activities carried out by users of the Project, including employment of labor and purchase of locally produced goods and services. Indirect impacts occur as a result of direct spending and employment which induces additional cycles of spending throughout the local economy.

These impacts would result from spending at the Project Area's recreational, commercial, and cultural uses, from new spending off-site by day visitors to ROC, and from new spending for food and lodging on- or off-site by overnight visitors. Local employment would also increase, principally as a result of the Project's proposed commercial/retail uses. Net new impacts have been calculated to estimate new spending and employment which would occur with the implementation of the ROC Master Plan.

One-Time Construction Impacts

The Project would involve the redevelopment of 480,000 GSF located within the historic Buffalo State Hospital and the construction of up to 400,000 GSF of new building space. The proposed land use program comprises approximately 400,000 GSF of commercial space, 131,000 GSF of institutional space, 54,000 of arts-related space, 107,000 academic-related space, 8,000 GSF visitors center, a 33,000-GSF architecture center, a 42,000-GSF conference center, and a 96-room hotel. Based on the proposed program, estimated construction activity would generate an estimated total of 3,539 job years (direct, indirect, and induced) for the Western New York ("WNY") region. Total construction employment for NYS, including WNY, is an estimated 3,693 job years over the 20-year construction period.

Total personal income earned by construction-related workers (i.e., direct, indirect, and induced) in the region is estimated to be $170.7 million over the 20-year construction period. Personal income earned by total construction-related workers in New York State, including WNY, is an estimated $183.1 million.

Tax revenue that would be collected by localities, primarily City of Buffalo and Erie County as a result of construction-related activity and employment is estimated to be $12.3 million and $15.5 million by New York State. Tax revenues include sales tax on construction materials used in the development portions of the Project. In addition, tax revenues include estimated personal income tax, corporate income tax, and mortgage recording tax on the private portions of the Project, and miscellaneous other taxes.

Permanent Operations Impact

Estimation of the impact of the Project's permanent operations is assumed to begin in 2015, after the completion of the Core Project phase, and would extend to 2038, which includes 10 years beyond the full build out at 2028. This would allow a reasonable period over which the full benefit of the Project may be captured.

The direct employment generated by the Project's operation is estimated by using assumptions regarding the allocation of GSF per job for each of the different uses in each of the four phases of the project. Since specific details on the final build-out are unknown, assumptions regarding future reuse were made.

The various activities of the permanent operations that may locate at the ROC would generate an estimated total of 866 jobs (direct, indirect, and induced) for the Western New York region. Total operations-related employment for New York State, including Western New York, is an estimated 893 jobs.

Total personal income earned by employees (direct, indirect, and induced) at ROC operations in the region is estimated to be $848.9 million over the 20-year period. Personal income earned by operations workers in New York State, including Western New York, is an estimated $901.9 million.

5. Traffic, Transportation, and Parking

The FGEIS analyzed the potential impacts related to the local transportation network, measured in "Level of Service" ("LOS"). LOS is a measure used by traffic engineers to

determine the effectiveness of elements of transportation infrastructure. For urban intersections, LOS is related to the average delay experienced by motorists, ranging from an LOS of "A" to "F", with "A" being the best quality of service (i.e., little or no delay) and "F" being the poorest (i.e., substantial queuing on an intersection approach and multiple changes of a signal required to traverse an intersection).

No-Build Alternative

Traffic volumes along the Traffic Study Area roadways are anticipated to increase during future years. Forecast Traffic Study Area traffic growth rates were identified through coordination with the City of Buffalo, Department of Public Works, Streets and Parks. Traffic volumes along the Traffic Study Area roadways are assumed to increase 0.25 percent per year from the period 2009 through the estimated time of completion ("ETC" – for the traffic analysis assumed to be the year 2015) and ETC+20 time periods (i.e., through the year 2035). Utilizing this forecasted traffic growth rate, projected No-Build average annual daily traffic levels ("AADTs") were identified for the future year conditions.

Year 2015 No-Build Levels of Service

The opening year for the Core Project associated with the ROC Master Plan is estimated for the year 2015. As a result, a year 2015 No-Build intersection level of service (LOS) analysis was conducted for the Traffic Study Area intersections. The 2015 No-Build analysis was conducted for two scenarios: Weekday AM and Weekday PM Peak periods.

Overall LOSs are anticipated to be in the acceptable range from A to B at all Traffic Study Area intersections during both the weekday AM and PM peak hour analysis periods in the year 2015. In addition, all approaches to intersections within the Traffic Study Area would operate at acceptable LOSs of A to C. No intersections or their approaches are anticipated to operate at LOS E or F.

Year 2035 No-Build Levels of Service

An ETC+20, year 2035 No-Build intersection LOS analysis was conducted for the Traffic Study Area intersections. Similar to the 2015 No-Build analysis, overall LOSs are anticipated to be in the acceptable range from A to B at all Traffic Study Area intersections during both the weekday AM and PM peak hour analysis periods in the year 2015. In addition, all approaches to intersections within the Traffic Study Area would operate at acceptable LOSs of A to C. No intersections or their approaches are anticipated to operate at LOS E or F.

Build Alternative

Implementation of the Project would not be expected to result in a significant adverse impact to traffic or transportation facilities. Overall, traffic impacts resulting from full build-out of the Project are minor and do not create over-capacity (LOS F) operating conditions at any intersection. Also, the Project would not be expected to adversely impact public transportation including Metro Bus, Metro Link, pedestrian access, or bicycle access as currently supported in the Traffic Study Area.

2015 Project Levels of Service

An opening year 2015 Project intersection LOS analysis was conducted for the Traffic Study Area intersections. The 2015 LOS analysis was conducted for two time period conditions; Weekday AM and PM Peak periods.

As indicated, overall LOSs are anticipated to be in the acceptable range from A to B at all Traffic Study Area intersections. In addition, all approaches to intersections within the Traffic Study Area would operate at acceptable LOSs of A to C. No intersections or their approaches are anticipated to operate at LOS E or F. ***2035 Project Levels of Service***

A full build-out year 2035 Project intersection LOS analysis was conducted for Traffic Study Area intersections. Full build-out of the site assumes completion of all development parcels and the inclusion of the associated generated traffic volumes into the year 2035 roadway network. The 2035 LOS analysis was conducted for two time period conditions; Weekday AM and PM Peak periods.

As indicated, overall LOSs are anticipated to be in the acceptable A to C range at all Traffic Study Area intersections. Approaches to most intersections within the Traffic Study Area would operate at acceptable LOSs of A to C. Increased traffic volumes at the intersections Forest Avenue with Richmond Avenue, Elmwood Avenue with Forest Avenue and Elmwood Avenue at Iroquois are projected to reduce certain approach levels of service to near or at capacity conditions; LOS D or E. No intersection or intersection approach would be anticipated to operate at an over-capacity condition (LOS F).

Parking

Full build-out of the ROC Master Plan would result in the reconfiguration of the ROCs existing system of surface parking lots. A detailed parking plan for the full build-out of the ROC Master Plan has not been completed. No specific on- or off-street parking plan; design, location or configuration of future parking areas; future parking demand analysis; or a parking management plan (e.g., maintenance, fee-based system, parking enforcement, etc.) is identified within the ROC Master Plan or has been completed to date. Therefore, a full assessment of potential future parking impacts cannot be completed at this time.

6. Environmental Concerns

No-Build Alternative

The No-Build Alternative would not result in any adverse impacts to the Project Area, related to environmental management.

Build Alternative

The Project would include the rehabilitation of 480,000 GSF of existing building space and the construction of up to 400,000 GSF of new building space. All asbestos abatement work has and will continue to be performed in accordance with New York State Department of Labor requirements and other remediation activities would be done in accordance with applicable state/federal guidance and regulations. In addition, the Project includes landscaping activities

and the reconfiguration of vehicle and pedestrian circulation paths and parking areas. Implementation of ROC Master Plan would not be expected to result in a significant adverse environmental management impact.

The RCC is currently completing stabilization activities to prevent the further deterioration of the historic Buffalo State Hospital and prepare it for future reuse. Of these ongoing activities, Phase II, which began in December 2009, includes specific asbestos abatement and clean up actions on Buildings 45, 44, and 10. There has been no recent testing for lead-based paints within Buildings 38, 39, 40, 41, 42, 43, 44, and 45. Due to the age of the historic hospital buildings, these structures are assumed to include components containing lead-based paints and asbestos-containing materials. Any modification, renovation, and/or demolition activities within the historic Buffalo State Hospital buildings will have to address asbestos-containing materials and lead-based paints. Further testing, of those buildings that have not been tested, will be required to determine the presence of lead paint and asbestos-containing materials. Rehabilitation of the historic hospital buildings will require applicable abatement actions before reuse and reoccupation could occur. The removal, management, storage, and disposal of these materials would be conducted in accordance with applicable state and federal safety and environmental regulations. New construction would not include the introduction of these materials.

Based on available information, the presence of significant existing sub-surface environmental concerns and significant soil contamination of the ROC is minimal. Therefore, new on-site development and ground disturbing activities, associated with the Project, including the construction of an addition to Building 45, build-out of the Development Landholding phase (up to 400,000 GSF of building space), landscape activities, and reconfiguration of circulation paths and parking areas would not be expected to result in a significant adverse environmental management impact.

The ROC does include the BSC and BPC maintenance facilities, which are currently utilized for vehicle maintenance and storage and plant operations. In addition, the facilities include fuel pumps and underground fuel storage tanks. Both of these facilities are proposed to be relocated and the land area redeveloped as new building space. There is the potential that previous maintenance activities (e.g., vehicle maintenance) and the presence of underground fuel storage tanks at these facilities have resulted in environmental concerns (e.g., fuel, industrial cleaners, oil leaks, etc.) at this site. Also, there are 13 USTs reported to be or to have been located at the ROC property, eight of which have been closed/removed; seven are still in service. The active tanks range in size from 4,000 gallons to 20,000 gallons.

7. Community Services

The FGEIS examined the potential community service impacts resulting from the implementation of the ROC Master Plan and the No-Build Alternative.

No-Build Alternative

Under the No-Build Alternative, the currently vacant Buffalo State Hospital buildings and surrounding grounds would continue to be retained by NYS and no transfer of surplus land

would take place. No reuse or redevelopment of the ROC property would occur under this alternative. The opportunity to rehabilitate and open the ROC grounds for passive public recreation would be lost, as would be the ability to provide improved connections through and across the site to BSC, residential neighborhoods, Delaware Park, and nearby cultural institutions. The No-Build Alternative would have no impact on existing community services.

Build Alternative

Public Safety

Full build-out of the ROC Master Plan would not result in a significant impact on public safety and emergency services in the City of Buffalo, but the City Police Department would be expected to expand their respective service areas. Under the Project, a portion of the ROC would no longer be owned by NYS and patrolled by OMH security staff. A portion of the ROC would no longer be a secure healthcare facility, and access to the property would be open to the general public. This land area, approximately 42 acres, would be integrated into and fall under the jurisdiction of the City of Buffalo, which would be responsible for providing police, fire, and emergency services.

Hospitals & Emergency Medical Facilities

Full build-out of the ROC Master Plan would not result in a significant impact on hospitals and emergency services in the City of Buffalo. However, certain BPC and OMH facilities are the subject of recommendations in the ROC Master Plan. These include the relocation of the BPC Maintenance Facility, relocation of the BPCs existing surface parking areas, reconfiguration of the existing ROC circulation system, which could potentially result in traffic and short-term construction impacts on the BPCs operations.

Educational Facilities

Full build-out of the ROC Master Plan would not result in a significant impact on public and private elementary and secondary educational facilities located in the City of Buffalo. However, the BSC campus is located immediately adjacent to the northern boundary of the ROC. Implementation of the Project would result in the relocation of the BSC Maintenance Facility (includes 155 off-street parking spaces), relocation of a BSC 558-space surface parking lot, and construction of the proposed East-West Address Road that would intersect and divert ROC traffic onto Rockwell Road, a private roadway utilized by BSC. The relocation of the BSC maintenance facility and 713 BSC parking spaces would be expected to necessitate relocation costs (e.g., capital and land) and could potentially result in BSC parking and operational impacts. In addition, it would be expected that the implementation of the ROC Master Plan would result in short-term construction impacts. Specifically with the construction of up to 400,000 GSF of new building space in the northwest corner of the ROC, which abuts Rockwell Road and the southwest corner of the BSC campus.

Solid Waste Management

Full build-out of the ROC Master Plan would be anticipated to be handled by private waste management services and would not result in a significant impact on solid waste services in the City of Buffalo.

Parks and Recreation

Full build-out of the ROC Master Plan would not result in a significant positive impact on parks and recreational amenities located in the Project Area and in the City of Buffalo. Importantly, implementation of the Project would result in a beneficial impact. Specifically, full build-out would result in the stabilization and reuse of the NHL- and S/NRHP-listed Buffalo State Hospital and rehabilitation of the historically significant Olmsted and Vaux-designed grounds. The rehabilitated grounds would provide ±42 additional acres of publicly-accessible recreation and open space for a variety of passive recreation opportunities. Furthermore, the Project would link the ROC to the parks, cultural, and recreational amenities located within the immediate Project Area including Buffalo's Olmsted Park System (e.g., Delaware Park, Hoyt Lake, Marcy Casino, etc.), Buffalo's museum district (e.g., Albright Knox Art Gallery; Burchfield Penney Art Center; Buffalo and Erie County Historical Society, etc.), and the communities neighboring it (e.g., Elmwood Village, BSC, etc.). The open areas and rehabilitated grounds would provide opportunities for both ROC visitors and residents of the region. New recreation and public open space would represent a beneficial increase in the availability of such facilities to the neighboring communities.

Of note, the Burchfield Penney Art Center is co-located on the ROC property. No direct adverse impacts would be expected from the full build-out of the ROC Master Plan on the art centers operations. Minor short-term construction related traffic and noise impacts may occur. The RCC will consult with the Burchfield Penney Art Center to coordinate construction activities to mitigate any potential impact to the operational needs of the Center.

8. Utilities

The FGEIS examined on-site utility infrastructure that would be associated with the Project Alternatives for potential impacts associated with water supply wastewater, and stormwater management and electric and gas distribution..

Water Supply

No-Build Alternative

The No-Build Alternative would not result in any changes to current ownership, distribution, or use of utilities in and around the Project Area. Therefore, the No-Build Alternative would not have any impact upon utilities in the vicinity of the Project Area.

Build Alternative

Implementation of the Project would not be expected to have a significant impact on the regional water supply system. The existing municipal system is expected to have sufficient capacity to meet any future water supply demands resulting from implementation of ROC Master Plan.

Water Demand

Full build-out of the ROC Master Plan would result in a maximum of 880,000 GSF of mixed-use non-residential building space. Based on the scale of development at full build-out, it would be expected that the Project would require water in excess of existing ROC water usage rates. In addition, it would be expected that the Project would generate water demand for fire

protection and general landscaping irrigation. Specific details on building systems are not provided in the ROC Master Plan. Because final build-out details have not been established, it is not possible to accurately project the water supply needs of the development.

Distribution System

At this time the existing on-site water distribution system is not owned, operated, and maintained by the Buffalo Water Authority. Upon implementation of the ROC Master Plan, a decision will need to be made that specifies who will own and maintain the future on-site system. In addition, the condition of the existing system is not known and it will need to be determined if the existing system will be reused or if a new system will be required. Potential capacity and infrastructure impacts will have to be examined as specific details become available.

Wastewater

No-Build Alternative

The No-Build Alternative would not result in any changes to current ownership, distribution, or use of utilities in and around the Project Area. Therefore, the No-Build Alternative would not have any impact upon utilities in the vicinity of the Project Area.

Build Alternative

Implementation of the Project would not be expected to have a significant impact on the municipal wastewater system. Upon full build-out, the average daily volume of wastewater from the Project would be expected to increase above existing conditions. The Buffalo Sewer Authority would be expected to have the capacity within its existing system to meet any future wastewater flows resulting from the implementation of ROC Master Plan.

Wastewater Volume

Based on the scale of development associated with the full build-out of ROC Master Plan (i.e., 880,000 GSF), it would be expected that the Project would generate wastewater flows in excess of what is currently generated at the ROC. The condition of the existing system is not known and it will need to be determined if the existing system will be reused or if a new system will be required. Potential capacity and infrastructure impacts will have to be examined as specific Project details become available.

However, because of excess capacity within the existing municipal wastewater system, implementation of the ROC Master Plan would not be expected to have a significant impact on the overall wastewater system. Currently, the City of Buffalo's sewer system has an overall capacity of 180 million gallons per day. The City currently treats roughly 160 million gallons per day. Therefore, the sewer system has approximately 20 million gallons per day excess capacity. In addition, the full build-out of the Project is projected to occur incrementally over a 20-year period. Therefore, any expansion in the volume of wastewater would not occur at once, and the BSA, as the local utility service provider, would be expected to meet any increases in service demand, as needed.

Wastewater System

As with the water distribution system, the existing on-site wastewater distribution system is not owned, operated, and maintained by the BSA. Upon implementation of the ROC Master Plan, a decision will need to be made that specifies who will own and maintain the future on-site system. In addition, the condition of the existing system is not known and it will need to be determined if the existing system will be reused or if a new system will be required. Potential capacity and infrastructure impacts will have to be examined as specific details become available.

The reuse of the historic Buffalo State Hospital buildings and grounds may require upgrading the existing or installation of new wastewater infrastructure on the ROC to meet applicable BSA and City of Buffalo standards. In addition, whatever is developed will require a separate stormwater and sewer system and there is the potential that the future system will require an on-site stormwater retention system.

Detailed plans, preliminary or final, for these improvements are not included in the ROC Master Plan and are not known at this time. In addition, the entity responsible for implementing any system improvements has not been determined. Upon disposition of the state owned and maintained property, the party responsible for making the water supply infrastructure improvements would need to be identified.

Stormwater

No-Build Alternative

The No-Build Alternative would not result in any changes to current ownership, distribution, or use of utilities in and around the Project Area. Therefore, the No-Build Alternative would not have any impact upon utilities in the vicinity of the Project Area.

Build Alternative

Specific project plans and details have not yet been developed. The quantity of impervious surface area, potential stormwater volumes, the condition of the existing stormwater system, and needed improvements resulting from the full build-out of the ROC Master Plan have not been determined. It would be expected that full build-out would not have a significant impact since the majority of the proposed redevelopment would be concentrated on land in areas that have already been developed and contains stormwater infrastructure. In addition, any impacts will be mitigated by the RCC through stormwater management.

Electric Distribution

No-Build Alternative

The existing electrical distribution system of the Project Area would remain unchanged.

Build Alternative

The Project would result in increased demands on the electrical system, but would not adversely impact National Grid's (the local electrical service provider) ability to deliver this service to the ROC. Reuse of the Buffalo State Hospital buildings would require upgrading the existing distribution system, metering of individual structures or end users, and the

installation of new distribution infrastructure. Upon redevelopment, the electric power distribution system on the ROC may need to be either expanded or relocated to accommodate the final design at full-build out. The electrical distribution system will be evaluated as build-out is further defined.

Gas Distribution

No-Build Alternative. The No-Build Alternative would not result in any changes to current ownership, distribution, or use of utilities in and around the Project Area. Therefore, the No-Build Alternative would not have any impact upon utilities in the vicinity of the Project Area.

Build Alternative. Redevelopment under the Project may require the expansion or relocation of natural gas lines on the ROC to accommodate the final design at full-build out. Meters may need to be assigned to each new facility so that individual customers can be tracked and billed. As Project design progresses, the ROC will coordinate with National Fuel to ensure that specific needs for peak project natural gas demands are met.

9. Air Quality

No-Build Alternative

Under the No-Build Alternative, the surplus ROC property, including the vacant Buffalo State Hospital would continue to be retained by NYS and no transfer of surplus lands would occur. No reuse or redevelopment of the property would occur under this alternative. Therefore, no impacts related to air quality would occur under the No-Build Alternative.

Build Alternative

The Project would result in increased vehicular traffic to and from the Project area and may cause at key intersections elevated ground-level concentrations of carbon monoxide (CO) associated with vehicular exhaust. Using guidelines provided in the NYSDOT Environmental Procedures Manual (EPM) a screening analysis was conducted to determine whether the Project will require a quantitative CO intersection analysis. The results of the screening analysis indicate that no detailed analysis is required.

Traffic estimates for this project indicate that changes in traffic volumes and levels of service would not be above the thresholds specified in the EPM Manual, and a detail CO microscale analysis is not required to demonstrate compliance with the National Ambient Air Quality Standards (NAAQS). Thus, no significant CO impacts would occur with the proposed Project, and mitigation would not be required.

10. Noise

No-Build Alternative

Under the No-Build Alternative, the surplus ROC property, including the vacant Buffalo State Hospital would continue to be retained by NYS and no transfer of surplus lands would occur. No reuse or redevelopment of the property would occur under this alternative. Therefore, no impacts related to noise would be expected under the No-Build Alternative.

Build Alternative

Implementation of the ROC Master Plan would result in temporary noise increases from construction operations and delivery vehicles traveling to and from the ROC. Noise generated would be temporary and would occur during regular daytime working hours. Long-term activities associated with the Project (e.g., visitor center, commercial land use, etc.) are not expected to generate significant noise impacts both on-site and in the adjacent neighborhoods.

11. Physical and Ecological Resources

No-Build Alternative

The No-Build Alternative would have no new short or long-term impacts to physical and ecological resources.

Build Alternative

Topography

The Project would not result in any significant long-term impacts to topography, geology, or soils of the ROC. Temporary disturbance of soils would occur due to construction activities.

The ROC Master Plan includes improvements to existing conditions and preservation of important topographical features. The Core Project includes stabilization of buildings, which will address erosion concerns around foundations. In addition, landscape stabilization of the South Lawn will be addressed in the Core Project.

Throughout all phases of the Project, historic topographic features will be retained and preserved, and site disturbance and soil compaction will be limited.

Vegetation and Wildlife

Implementation of the Project would not result in a significant impact to general ecology and wildlife. A review of the New York Natural Heritage Program database found “no records of rare or state-listed animals or plans, significant natural communities, or other significant habitats” either in the Project Area or its immediate vicinity. In addition, the Project does not involve work in, or adjacent to, a wildlife or waterfowl refuge. The ROC is located in an urban area which has historically been altered over time by development activities, including paving, excavations, filling, and construction activities and possesses low-quality wildlife habitat. Therefore, no significant adverse impact would be expected on vegetation and wildlife resources. Of note, the ROC property does support typical non-protected urban wildlife (e.g., squirrels, birds, rabbits, etc.). Implementation of the Project would have no significant or adverse impact on the mammals and birds that inhabit the ROC.

The creation of new open space/landscaped areas and street trees would result in a net increase of vegetation within the ROC and would provide potential habitat for various species acclimated to urban environments.

Water Resources

The ROC does not contain any water features. Therefore, implementation of the Project would not result in an impact.

12. Construction-Related Impacts

No-Build Alternative

The No-Build Alternative would not create any construction-related impacts.

Build Alternative

Potential construction-related impacts associated with the Project would include site preparation (e.g., grading) which may increase sediment loadings in site runoff; disposal of any contaminated soils/fill and building materials (i.e., lead based paints and asbestos), and potential exposure to on-site workers; and temporary impacts to air quality and ambient noise levels. In addition, construction workers could also be exposed to hazardous situations typically associated with construction activities. However, as described below, construction activities would not result in any significant impacts with the application of appropriate construction techniques, compliance with local and federal regulations, inspection and monitoring associated with permitting processes, and mitigation measures as discussed below. Project construction would be expected to occur over the 20-year build-out period for the project.

Air Quality

Construction-related impacts on air quality would be limited to short-term increases in fugitive dust and mobile source emissions. Short-term elevated mobile source emissions (e.g., CO from motor vehicles) may result from the disruption of traffic during peak travel periods. Construction-related fugitive dust is airborne particulate matter generated by haul, concrete and delivery trucks and earth-moving vehicles traveling within the construction area. Fugitive dust is typically made up of relatively large particles that are re-suspended by vehicle movement, and material blown from uncovered haul trucks. These particles, given their relatively large size, tend to settle within 20 to 30 feet of their source and should not impact the other operations co-located at the ROC (e.g., BPC) and the adjacent neighborhoods.

Noise

Short-term noise impacts would be expected on those areas immediately adjacent to future construction-related activities at the ROC. Impacts to community noise levels during construction would result from noise associated with construction equipment, and construction-related vehicles traveling to and from the construction site. The degree to which these noise sources would have an impact on community noise levels depends upon the noise characteristics of the equipment and construction activities, the construction schedule, and the distance from sensitive receptors.

Increases in noise levels from delivery trucks and other construction vehicles would not be expected to result in a significant impact.

Utilities

All necessary utilities, including water, sanitary/storm sewer, and electrical service, to buildings in and adjacent to the construction site would be maintained during construction.

Short-term Parking Displacement

There is the potential for short-term parking impacts to occur on-site as construction activities progress (e.g., construction of new building space in the northwest corner of the ROC, reconfiguration of existing parking lots and circulation system, etc.).

Worker Safety

During construction activities associated with the Project, construction personnel are likely to encounter a number of physical hazards that are typically associated with construction work including uneven footing, exposed construction material, open excavations, risk of fall from partially constructed structures, etc.

Conclusions

Implementation of the ROC Master Plan would result in short-term construction impacts within the boundaries of the ROC property. Impacts will be minimized with the application of appropriate mitigation measures and construction techniques; compliance with local and federal regulations; inspection and monitoring associated with permitting processes; and continued communication with other entities co-located and surrounding the ROC, including OMH, BPC, Burchfield Penney Art Center, BSC, and the neighboring community.

13. Cumulative Impacts

No long-term, significant adverse cumulative impacts are expected from implementation of the ROC Master Plan along with the other planned construction projects. Minor traffic and parking impacts would be expected due to the growth in traffic associated with both the implementation of the ROC Master Plan and growth of the BSC campus and student population. Specifically, construction of the East-West Address Road, a private internal drive, would require a curb cut onto and would direct site traffic onto Rockwell Road, a private road utilized by BSC. Implementation of the Project would also result in the loss of 713 existing BSC surface parking spaces located on the ROC - 558 spaces located on ±42-acre “surplus” lands and 155 parking spaces located adjacent to the BSC maintenance building. It would be expected that the demand for parking generated by the reuse of the Buffalo State Hospital combined with the loss of BSC parking and the demand generated by the BPC and BSC (i.e., staff and students) would generate demand for parking on the ROC and in the neighborhoods adjacent to it. However, the mixed-use character of the Master Plan would somewhat temper these impacts, given that land uses vary in their peak demand period.

An assessment of potential ROC and BSC parking impacts will need to be made following the development of a site parking plan which should include a future parking demand and utilization analysis, detailed parking configuration designs, and a parking management plan to better understand the needs of the users being served at the ROC and the BSC.

Construction activities associated with the implementation of the ROC Master Plan and development and renovation of the BSC campus would be expected to result in short-term cumulative construction impacts. Construction impacts could include localized and temporary impacts to sound levels, air quality, on-site parking, traffic, and visual impacts. Short-term noise impacts associated with construction-related vehicles would be regulated by local and State regulations and standards. Air quality impacts would be limited to short-term increases in fugitive dust and mobile source emissions from construction equipment.

14. Unavoidable Adverse Impacts

Short-Term Unavoidable Impacts

Construction-phase impacts would include localized and temporary impacts to sound levels, air quality, on-site parking, and visual impacts. Short-term noise impacts associated with construction-related vehicles would be regulated by local and State regulations and standards. Air quality impacts would be limited to short-term increases in fugitive dust and mobile source emissions from construction equipment.

Long-Term Unavoidable Impacts

Overall, the Project would have significant, positive long-term impacts. The Project would result in the stabilization and reuse of the historic Buffalo State Hospital, which is currently vacant, and would redevelop a portion of the ROC as a mix of commercial and cultural uses. However, just about any form of sizable urban development would result in long-term impacts, such as minor increased vehicular traffic and potential visual impacts resulting from the Development Landholding phase of the ROC Master Plan. Overall, the Project would not be expected to result in any significant adverse long-term impacts to the Project Area, including cultural resources, land use, socioeconomics, environmental management, community services, utilities, air quality, noise, and physical and ecological resources.

15. Growth Inducing Aspects

Growth inducing impacts refer to the likelihood that the Project may trigger further development by attracting significant increases in local population through the creation or relocation of employment and the support facilities that may be necessary to serve that population. While the Project would facilitate appropriate reuses of the ROC, implementation of the ROC Master Plan is not expected to foster levels of growth that would adversely affect the community and/or adjacent neighborhoods.

The Project would be expected to result in a beneficial impact since it will expand the cultural and recreational resources in the Project Area and the City of Buffalo. The Project would also provide potential growth opportunities to the local economy, including an expanded municipal tax base; potential new visitor, employee, and business spending; and expand the development potential of the local area. Specifically, the proposed reuse of the vacant Buffalo State Hospital buildings, including dedicated arts/cultural/conference space, and rehabilitation of the Olmsted and Vaux design grounds would compliment and expand the adjacent cultural, commercial, and recreational land uses located near the ROC (e.g., Buffalo Olmsted Parkway System, Albright Knox Art Gallery, Elmwood Village). Short-term beneficial

impacts would also occur during the estimated 20-year construction period. Short-term gains to the local economy would occur if local workers are hired and if local businesses provide services and supplies during the construction period.

16. Irreversible and Irretrievable Commitments of Resources

In the long-term, implementation of the Project would result in irreversible or irretrievable commitments of resources if land development were to physically eliminate or diminish the character of natural resources on or immediately adjacent to the ROC. The disposition and reuse of a portion of the ROC property, although an irreversible action, does not represent an irretrievable commitment of land resources, since this action makes resources available for future reuses. The proposed action also represents the irretrievable commitment of human resources and materials requiring the use of fossil fuels, electrical energy, and other energy resources during construction and operation of facilities. These resources would be irretrievably committed to the action.

17. Effects on the use and Conservation of Energy Resources

The construction and operation of the Project would have both short-term and long-term impacts on the use and conservation of energy resources. In the short-term, construction would require the use of nonrenewable energy resources including: gasoline, diesel fuel, and electricity. In addition to construction-related energy use by equipment including such things as forklifts, waste dumpers, excavators, loaders, backhoes, bulldozers, dump trucks, delivery vans, generators, concrete pumps, pile driving/caisson equipment, and paving equipment. The indirect use of energy would also occur as a result of construction workers commuting to and from the construction site.

Long-term impacts on the use and conservation of energy would result from traffic generated by the Project, consumption of energy from day-to-day Project operations, such as building heating, cooling, and lighting.

Specific conservation or sustainable development strategies are not identified in the ROC Master Plan. The plan expresses a commitment towards creating an environmentally sound ROC by utilizing sustainable design principles. The RCC is exploring and will implement sustainability practices and design principles for future redevelopment, construction, and building operations and maintenance to mitigate Project energy consumption.

VII. MITIGATION

1. Cultural Resources

In order to avoid, minimize or mitigate any potential impacts to cultural resources from the implementation of the Project, ESDC will enter into a Letter of Resolution (LOR) with OPRHP in accordance with the provisions of Section 14.09 of the NYS Historic Preservation Act. The LOR will stipulate that ESDC will ensure the RCC (as a pre-requisite to drawing down State funds programmed for the Core Project) will continue to undertake various consultation, investigations, and stakeholder involvement activities and the Project moves forward toward final design and implementation. Based upon comments received during the public review period of the DGEIS, and ongoing consultation to-date, the LOR will include programmatic

provisions for efforts under the Core project. These would include, but would not be limited to, the following.

- OPRHP and key stakeholder review/coordination on the final design and alignment of the proposed internal drive known as the "East-West Address Road" and rehabilitation of the "South Lawn"/South entry and their relationship with the overall rehabilitation of the ROC.
- OPRHP and stakeholder review/coordination on the final design of the proposed addition to the north side of Building 45 as an additional visitor entrance.
- OPRHP design review of stabilization/rehabilitation drawings at various stages in the design process (i.e., schematic design, design development, contract documents, etc.).

As to be stipulated in the LOR, implementation of the ROC Master Plan will require further consultation with OPRHP regarding archaeological resources, and additional investigations may be required prior to the start of any future work. In addition, any excavation or other type of ground disturbing activity will require a Phase 1B or other type of excavation-directed investigation in the location of that action to determine the potential extent of archeological resources and appropriate avoidance or treatment plans. This consultation will be outlined in the LOR. Additionally, local reviews and approvals by the City of Buffalo (e.g., site rezoning, site plan review, and utility connections) will be required to allow future development.

The RCC will consult with the OPRHP and consider possible impacts on Building 30, currently used by SUNY for storage, when refining development plans for the northwest corner and implementing the Development Landholding phase of the Project. The Project will be implemented in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, and the RCC's *Historic Structures Report*, and the *Cultural Landscape Report.*

To facilitate certain processes and consultation efforts, RCC will establish a stakeholder committee, drawing from representatives of standing committees involved in ROC planning efforts to date, to provide comments/input to RCC in ensuring that final designs for such Master Plan components are consistent with the intents and purposes of the Secretary of Interior Standards, as well as the ROC Master Plan, the ROC Cultural Landscape Report, and the ROC Historic Structures Report.

The RCC will consult the OPRHP after specific design and construction details are identified to make a determination if the implementation of the ROC Master Plan would result in a significant adverse impact to the S/NRHP-listed historic properties and grounds. Specifically, in accordance with Section 14.09 of the NYS Historic Preservation Law, detailed measures to avoid, reduce, or mitigate any direct or indirect impacts on cultural resources and any adverse effects on historic properties will be developed, as necessary, as part of the consultation with the OPRHP. In fact, given the importance of the ROC, dialogue between the RCC and OPRHP historic review staff is already established, as the OPRHP has maintained a close relationship with RCC efforts to date and participate on the RCC board.

2. Visual Resources

To mitigate any potential visual impact (e.g., Development Landholding phase, addition to Building 45, etc.), the redevelopment of the ROC will be completed in accordance with federal and state historic preservation standards, using the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, *Historic Structures Report, the Richardson Olmsted Complex, Buffalo, NY* and *Cultural Landscape Report, the Richardson Olmsted Complex, Buffalo, NY* as guidance.

3. Traffic and Parking

Improvements to mitigate the potential impact of the Project-generated traffic on the operations along Traffic Study Area roadways and intersections under the Build Alternative will include the following.

- Incorporate a southbound advance signal phase into the intersection of Elmwood Avenue with Iroquois;
- Revise the signal phasing timing at the intersection of Elmwood Avenue with Forest Avenue to provide additional green time for the Elmwood Avenue signal phases; and
- Incorporate an eastbound advance left turn signal phase into the intersection of Elmwood Avenue with Rockwell Road.
- Operating conditions of the intersections should be monitored as the project elements are completed to determine the extent of any project generated traffic impact.

To address potential parking impacts, the RCC will undertake the following.

- Assess potential parking impacts following development of a site parking plan.
- Prepare a parking management plan in consultation with BSC, BPC, and adjacent neighborhoods.
- Coordinate with BPC and OMH to address the need for replacement parking for South Lawn parking that is being discontinued as an ongoing process.

4. Environmental Concerns

Redevelopment of maintenance facility area will require the removal of the underground storage tanks and environmental testing to determine the presence of environmental contamination and if the area is suitable for future reuse.

The location of the active USTs will be considered in the future reuse of the property. Environmental testing of these areas will be required, and if applicable, the tanks removed and soil remediated prior to redevelopment. The removal, management, storage, and disposal of these materials would be conducted in accordance with applicable state and federal safety and environmental regulations including NYCRR Part 612 Requirements for Petroleum Storage Facilities and Part 613 Handing and Storage of Petroleum. Specific measures for closing out-of-service tanks include:

- Removing liquid and sludge from the tank and connecting lines and properly disposing of waste products removed in accordance with state and federal requirements;

- Making provisions for the natural breathing of the tank to ensure the tank remains vapor free;
- Disconnecting, removing or securely capping or plugging all connecting lines; and
- Filling the underground tank to capacity with a solid inert material.

5. Community Services

Hospitals & Emergency Medical Facilities

The RCC will consult with BPC and OMH to ensure that future RCC activities and operations do not conflict with and can be integrated (if appropriate) with both the short- and long-term needs of the BPCs staff, patients, and visitors and OMH operations. While the plan clearly makes recommendations for future actions on properties controlled by the BPC and OMH, the BPC and OMH have and will continue to have full control over future developments of their lands and buildings within the 91-acre site. The Master Plan and GEIS do not compel the BPC, OMH or the state to undertake any action that is described in the Master Plan or GEIS. Relocation of the maintenance facilities would require concurrence and consultation with the BPC and OMH regarding the identification of an acceptable replacement facility location, funding, and other considerations for this future plan element.

Educational Facilities

The RCC will consider relocation options for these uses such that the long-term needs of BSC are satisfied. Also, the RCC will need to work with BSC to ensure that future RCC activities and operations do not conflict with and can be integrated (if appropriate) with both the short- and long-term needs of the college.

6. Utilities

Water Supply

Upon disposition of the surplus ROC property, the RCC will consult with the City of Buffalo and Buffalo Water Authority to estimate the impact of development on the existing water system, including flow volume estimates; identify needed improvements to the water distribution system; and obtain all applicable local permits and approvals.

Wastewater

Upon disposition of surplus NYS property, the RCC will estimate the impact of anticipated future development on the existing wastewater system; identify who is responsible for needed infrastructure improvements and what those improvements are; identify the ownership and management of installation infrastructure; and obtain all applicable local permits or approvals.

The RCC will coordinate with the City of Buffalo and BSA as the Project nears implementation to ensure sufficient sewer capacity. Potential capacity and infrastructure impacts will have to be examined as specific details (e.g., future flow rates, on-site stormwater and sewer management plans, ownership, etc.) become available. Future development will require site plan review, permitting, and adherence to applicable County or City stormwater and sewer policies and regulations.

Stormwater

The RCC will prepare a stormwater management plan to control the volume and quality of stormwater runoff in a manner consistent with applicable City of Buffalo and NYSDEC stormwater management policies. The RCC will also be required to implement best management practices (BMPs) during construction activities to control the release of stormwater runoff from exposed construction sites. Post-construction BMPs also would be required to control the average annual load of total suspended solids in stormwater runoff. In addition, all future development will be required to undergo appropriate City of Buffalo development review. In addition, the RCC will work with the City of Buffalo and other applicable groups to manage stormwater and mitigate any potential impacts.

7. Construction-Related Impacts

Noise

To mitigate any potential construction noise impacts on co-located ROC operations and the neighboring community, the RCC will work with the Burchfield Penney Art Center, BPC, OMH, and BSC prior to any construction activities to develop and implement appropriate strategies to mitigate any potential noise impact. The RCC will designate a point of contact to coordinate and respond to specific concerns from the BPC and OMH during project construction and future operations. The RCC will enter into a Memorandum of Understanding (MOU) or similar formal instrument to formalize the existing cooperative relationship.

To mitigate potential construction noise, construction activities will be conducted between the hours of 7 a.m. to 9 p.m. as allowed by the City Charter. In addition, to further mitigate construction-related noise impacts on the surrounding community and other existing operations co-located on the ROC property, the RCC will implement, as appropriate, the following BMP strategies to control noise impacts during construction activities:

- *Truck Traffic.* Designate routes that would not carry truck traffic related to the construction past noise-sensitive areas.
- *Portable Noise Barriers.* During Project construction, use portable barriers to enclose noisier stationary equipment when appropriate.
- *Limit Heavy Equipment Activity near Residences.* Limit heavy equipment activity adjacent to residences or other sensitive receptors to the shortest possible period required to complete the work activity.
- *Mufflers and Intake Silencers.* Ensure that proper mufflers and other noise-reduction equipment are in good working condition.
- *Establish Telephone Hotline.* Establish and publicize a phone number for members of the public to call if they have a noise complaint.
- *Modify Backup Alarms.* Lay out construction sites to minimize the need for backup alarms; use broadband noise backup alarms; and use flagmen to keep the area behind maneuvering vehicles clear.

- *Stationary Equipment.* Where practical, locate stationary equipment such as compressors, generators, and welding machines away from sensitive receptors or behind barriers.
- *Construction Management Strategies.* Sequence operations to combine noisy operations within the same time period. Implement alternative construction methods to reduce the transmission of high noise levels to noise-sensitive areas (e.g., use special low noise emission level equipment, select and specify quieter demolition or deconstruction methods).

The RCC will comply with the City of Buffalo, City Charter, Chapter 293, Noise ordinance and EPA emission standards for construction equipment. These regulations require:

- Construction material be handled and transported in such a manner as not to create unnecessary noise;
- Except under very special circumstances, construction activities be limited to weekdays, between the hours of 7:00 A.M. and 9:00 P.M.; and
- Certain classifications of construction equipment and motor vehicles meet specified noise emission standards.

Site Runoff

RCC and its contractors will, as appropriate, to address erosion and sediment control procedures to prevent runoff into adjacent non-contaminated areas. A stormwater pollution prevention plan (SWPPP), including soil erosion and sediment controls, consistent with the most recent State Pollutant Discharge Elimination System (SPDES) guidance will also be developed, and may include:

- Use of sedimentation/erosion control measures, such as silt curtains and hay bales;
- Measures for surface protection of exposed soils; and
- Plans for re-vegetation of disturbed areas.

Likewise, all contractors will be required to develop a Site Safety and Health Plan in accordance with EPA, Occupational Safety and Health Administration (OSHA), National Institute of Occupational Safety and Health (NIOSH), and American Council of Government Industrial Hygienists (ACGIH) standards.

Air Quality

The following are typical mitigation measures that will be taken, as appropriate, to minimize potential impacts on air quality.

- Site Preparation
  - Cover unpaved construction roads with crushed stone;
  - Limit vehicular paths and stabilize temporary roads;
  - Use watering trucks to minimize dust;
  - Minimize land disturbance;
  - Cover trucks when hauling soil;
  - Use windbreaks to prevent any accidental dust pollution; and
  - Stabilize dirt piles that are not removed immediately.

- Construction
  - Minimize unnecessary vehicular activities;
  - Minimize use of diesel engines and have construction contracts specify use of electric engines where available and practicable;
  - Use of ultra-low sulfur diesel (ULSD) fuel for all diesel engines, which would enable the use of tailpipe reduction technologies (e.g., diesel particulate filters [DPFs])
  - Mandated use of Tier 3 or newer construction equipment for non-road diesel engines greater than 50 horsepower;
  - Limit idling time of diesel-powered equipment to 3 minutes;
  - Cover haul trucks when transferring materials;
  - Use dust suppressants on non-paved travel paths; and
  - Undertake mandatory wheel washing before construction-related vehicles and trucks leave areas of the Project site that are being excavated and/or are under construction.
- Post-Construction
  - Remove unused material; and
  - Re-vegetate disturbed land which remains undeveloped.

Utilities

In the event of planned temporary disruptions, the RCC will require contractors to provide advance notification to building owners and residents of the date and duration of planned service disruptions.

Short-term Parking Displacement

An assessment of potential short-term parking impacts resulting from construction activities will need to be made prior to undertaking any construction activities.

Worker Safety

The Project will minimize risk to construction personnel by fully complying with applicable Occupational, Safety and Health Administration, New York State Labor Law and City of Buffalo requirements. The public will be protected from exposure to such dangers through secure construction sites with authorized access only.

More specifically, the RCC will establish a working committee with the BPC and OMH for the purpose of discussing access and operational issues during the various phases of project implementation and operations. Avoidance measures will be incorporated in construction documents prior to their release for bid. Additionally, the RCC will designate a point of contact to coordinate and respond to specific concerns from the BPC and OMH during project construction and future operations, and will enter into a Memorandum of Understanding (MOU) or similar formal instrument.

8. Cumulative Impacts

The RCC will consult with BSC to develop measures to maintain Project Area, ROC, and BSC parking, vehicular, and pedestrian traffic and circulation. In addition, the RCC will coordinate

with BSC and other adjacent property owners and operating entities (e.g., BPC, OMH, and Burchfield Penney Art Center, etc.) in advance of the start of construction activities.

The RCC will work with BSC to ensure that future development activities and operations do not conflict with and can be integrated (if appropriate) with one another's short- and long-term operational needs.

Measures to maintain on-site parking, vehicular, and pedestrian traffic and circulation, as well as through the Project Area, during construction, will be developed by the RCC in conjunction with the construction phasing plan. In addition, the RCC will coordinate with BSC and other entities co-located (e.g., BPC, OMH, and Burchfield Penney Art Center) at the ROC in advance of the start of construction activities. The RCC will establish a working committee with the BPC and OMH for the purpose of discussing access and operational issues during the various phases of project implementation and operations. Avoidance measures will be incorporated in construction documents prior to their release for bid. Additionally, the RCC will designate a point of contact to coordinate and respond to specific concerns from the BPC and OMH during project construction and future operations. The RCC will consult with BSC, BPC, Burchfield Penney Art Center and other stakeholders so that future activities and operations do not conflict with short- and long-term needs of adjacent land owners. The RCC will consult with the BPC and OMH regarding the identification of an acceptable replacement facility location, funding, and other considerations for relocation of the maintenance facilities.

VIII. THRESHOLDS FOR FUTURE ACTIONS

Pursuant to SEQRA, agencies may prepare a GEIS when there is a need to assess a wide variety of impacts at a more conceptual level on a larger geographic area, often including cumulative impacts, rather than project-specific or site-specific EISs. By addressing cumulative impacts and adopting mitigation measures and thresholds for future development and actions upfront, the use of a GEIS at the planning stage can establish a framework that fully addresses potential environmental impacts and substantially reduces SEQRA documentation requirements as new construction actually comes on-line.

The Project is based upon a conceptual development plan involving both well-defined elements (e.g., Core Project phase – visitor center, architecture center, 96 room hotel, event/conference space) and certain less-defined components (e.g., Expanded Core phase, Reuse of All Historically Significant Buildings phase, Development Landholding phase, and parking and landscaping plans) that would be designed and developed in the future. The FGEIS has evaluated site specific impacts associated with the well defined elements of the Project and cumulative, secondary long-term impacts associated with the less defined Project components.

As Project plans move forward, Project changes may occur as the conceptual development plan is developed into final design proposals for the well defined elements, but more likely, for the less defined components. Such changes may specifically include proposed changes to the contemplated development program including increases or decreases in total Project square footages devoted to a specific use (i.e., commercial). The following outlines the conditions or criteria and procedures to be followed in evaluating future project plans

pursuant to SEQRA.

1. Procedures

Final designs for less-defined Project components as well as any proposed changes to the better defined elements will require further evaluation pursuant to SEQRA. ESDC, for components it is directly funding, will be responsible for making a determination on the environmental review in relation to (i.) the FGEIS and (ii.) the Findings Statement that will be issued for the Project. In turn, any involved agency (e.g., City of Buffalo) must issue its own findings based upon the FGEIS, prior to funding, undertaking, or approving a component of the Project within their jurisdiction (e.g., zoning). If any future changes to the ROC Master Plan are made, the applicable agency must determine if the environmental impacts associated with such changes have been adequately addressed in the FGEIS and SEQRA Findings Statement(s), taking into account whether the proposal exceeds any of the thresholds outlined below. Such a determination must be made before any future Project plans or changes are approved.

In the event that ESDC (or the applicable involved agency) determines that either:

- The future project plans or changes would be carried out in conformance with the conditions and thresholds established below, then no further SEQRA assessment or determination would be required;
- The future project plans or changes would be carried out in conformance with the conditions and thresholds established, but are not addressed or are not adequately addressed in this Findings Statement, then an amended findings statement must be prepared;
- The future project plans or changes are not addressed or are not adequately addressed in the FGEIS for the Project, but the proposal does not exceed any of the thresholds established below, or the proposal does exceed a threshold(s) established below, but would not result in any significant adverse environmental impacts, then a technical memorandum or similar written record documenting that no supplement to the FGEIS is warranted and a negative declaration must be prepared; or
- The future project plans or changes are not addressed or are not adequately addressed in the FGEIS for the Project and/or the proposal would exceed one of the thresholds established below and may have one or more significant adverse environmental impacts, then a supplement to the FGEIS must be prepared.

It should be noted that, pursuant to SEQRA regulations governing generic environmental impact statements, the issuance of a conditioned negative declaration by an involved agency is not authorized.

2. Thresholds

Future project plans or changes which exceed any one of the following conditions or thresholds shall not be considered to have been addressed by this FGEIS and must be evaluated by ESDC or the applicable involved agency to determine whether additional environmental review (i.e., Supplemental Generic Environmental Impact Statement) will be

necessary.

- Project programming changes establishing development patterns exceeding the upper limits defined by the ROC Master Plan (e.g., square footages by use, increases in hotel rooms and/or increases in number of parking spaces);
- Introduction of land uses into the ROC that are significantly dissimilar to those identified in Project programming and assessed in this FGEIS;
- Introduction of significant changes to the conceptual vehicle and pedestrian circulation system or parking proposed in the ROC Master Plan;
- Accelerated construction schedules requiring 24/7 and/or weekend construction;
- Street network modifications that would permanently reduce lane capacity within the Project Area;
- Modifications to Project programming that would increase impervious surfaces and the potential for stormwater runoff;
- Project programming that would directly impact architectural and archaeological resources listed on the S/NRHP that cannot be adequately mitigated; and
- Discovery of significant archaeological artifacts during ground-disturbing activities associated with constructions activities proposed under the Development Landholding phase.

IX. ONGOING COORDINATION REQUIREMENTS

Pursuant to the goal of promoting transparency and public participation in Project development, ESDC and the RCC have conducted extensive public coordination activities with project stakeholders, interest groups, other involved and interested agencies, and members of the general public.

As the Project advances toward final design and construction activities, ESDC and RCC will maintain ongoing coordination activities with groups/agencies including but not limited to:

- New York State Office of Parks, Recreation and Historic Preservation (OPRHP), for the
  - Section 14.09 Review
  - Review/coordination on the final design and alignment of the proposed internal drive known as the “East-West Address Road” and rehabilitation of the “South Lawn”/South entry and their relationship with the overall rehabilitation of the ROC;
  - Review/coordination on the final design of the proposed addition to the north side of Building 45 as an additional visitor entrance;
  - Design review of stabilization/rehabilitation drawings at various stages in the design process (i.e., schematic design, design development, contract documents, etc.); and

- Provisions/protocols related to required archaeological investigations associated with excavations in undisturbed areas of the ROC

As the Project advances toward final design and construction activities, RCC will maintain ongoing coordination activities with groups/agencies including but not limited to:

- OPRHP
  - Consider possible impacts on Building 30, currently used by SUNY for storage, when refining development plans for the northwest corner and implementing the Development Landholding phase of the Project.
- OMH and BPC
  - Ongoing consultation on building relocations, operations, replacement parking for South Lawn parking, parking management plan
  - Establish working committee to discuss access and operational issues during Project implementation and operations
- City of Buffalo agencies
  - Various permitting and approvals necessary to engage in Project construction activities, including water system, wastewater system, stormwater management, site rezoning, site plan review, utility connections, and traffic conditions and traffic mitigation
  - Ensure that future activities and operations do not conflict with and can be integrated (if appropriate) with both the short- and long-term needs of the college
- BSC
  - Consult on parking management plan, as well as ongoing consultation to maintain parking, vehicular, and pedestrian traffic and circulation
  - Ensure that future activities and operations do not conflict with and can be integrated (if appropriate) with both the short- and long-term needs of the college
- Complex Tenants
  - Develop and implement strategies to mitigate any potential noise impact from construction activities
- Neighborhood residents
  - Consult on parking management plan
- Buffalo Water Authority
  - Evaluate impacts on existing water system

- Buffalo Sewer Authority
  - Evaluate impacts on wastewater system
- Stakeholder Committee
  - Review of final designs to provide comments/input to RCC in ensuring that final designs for such Master Plan to provide comments/input to RCC in ensuring that final designs for such Master Plan components for consistency with the intents and purposes of the Secretary of Interior Standards, the ROC Master Plan, the ROC Cultural Landscape Report, and the ROC Historic Structures Report.

X. CERTIFICATION OF FINDINGS

Having considered the FGEIS, including the comments received on the DGEIS and the FGEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, ESDC finds and certifies that:

- 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;
- 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 FGEIS and set forth in this Findings Statement;
- 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 FGEIS and in this Findings Statement, will minimize or avoid the adverse environmental impacts associated with the development of the project which were identified in the FGEIS and in this Findings Statement; and
- The project is in compliance with Section 14.09 of the State Historic Preservation Act.

Agency: **NYS Urban Development Corporation d/b/a Empire State Development Corporation**

Signature of Responsible Officer: Rachel Shatz

Name/Title of Responsible Officer: Rachel Shatz, Vice President
Planning & Environmental Review

Date: May 23, 2011

COPIES OF THIS STATEMENT FORWARDED TO:

- Hon. Charles Schumer, U.S. Senator, New York
- Hon. Kirsten Gillibrand, U.S. Senator, New York
- Hon. Brian Higgins, Congressman, 27th District
- Hon. Mark Grisanti, New York State Senator, 60th District
- Hon. Sam Hoyt, New York State Assemblyman, 144th District
- New York State Historic Preservation Office
- Dormitory Authority State of New York
- New York State Office of General Services
- NYS Department of Transportation – Region 5
- NYS Dept. of Environmental Conservation - Region 9
- NYS Office of Alcoholism and Substance Abuse Services
- NYS Office of Mental Health
- Buffalo Psychiatric Center
- Buffalo State College
- Hon. Chris Collins, Erie County Executive
- Erie County Legislature (c/o Clerk of Legislature)
- Hon. Maria Whyte, Erie County Legislator, District 6
- Erie County Department of Planning & Environment
- Erie County Department of Health
- Erie County Department of Public Works
- Erie County Industrial Development Agency
- Hon. Byron Brown, City of Buffalo Mayor
- Buffalo Common Council (c/o City Clerk)
- Hon. Joseph Golombek, Buffalo Common Councilman, North District
- Buffalo Planning Board
- Buffalo Preservation Board
- Buffalo Zoning Board of Appeals
- Buffalo Office of Strategic Planning
- Buffalo Dept. of Permits, Inspections, & Economic Development
- Buffalo Dept. Public Works, Parks, & Streets
- Buffalo Fire Department
- Buffalo Police Department
- Buffalo Sewer Authority
- Jelly Bean Junction Childcare Center
- Transitional Services, Inc.
- WNY Federal Credit Union
- Buffalo Olmsted Parks Conservancy
- Burchfield Penney Art Center
- Campaign for Greater Buffalo
- Preservation Buffalo Niagara