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## Introduction

The New York State Urban Development Corporation (UDC), d/b/a Empire State Development Corporation (ESDC), as Lead Agency, has prepared this Draft Generic Environmental Impact Statement (DGEIS) and a General Project Plan (GPP) to assess the potential economic, social, and environmental effects of undertaking the proposed Richardson Olmsted Complex (ROC) Master Plan (also referred to as the Project) (see **Appendix A**), a collection of programs and activities involving the stabilization, rehabilitation, and adaptive reuse of the buildings and grounds comprising the former Buffalo State Asylum for the Insane located in the City of Buffalo, Erie County, New York (see **Figure 1-1**).

The Project would involve expending State funds administered by ESDC to undertake activities that are an outgrowth of the ROC Master Plan, prepared by the Richardson Center Corporation (RCC), a not for profit 501(c)(3) New York State corporation established in 2006 to spearhead an effort to plan and undertake activities to secure new uses for the ROC.

In accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), in July 2008, ESDC issued notices to potentially involved agencies to solicit lead agency status for the SEQRA review of the Project. A list of the agencies notified and involved agencies is included in **Appendix B**. No objections to ESDC serving as SEQRA lead agency were received during the 30-day comment period for lead agency solicitation, and ESDC was properly established as the SEQRA lead agency.

ESDC issued a "Positive Declaration" for the Project in November 2009 requiring that a GEIS be prepared because the Project may potentially result in one or more significant adverse environmental impacts.

### 1.1 Location

The ROC encompasses approximately 91-acres of New York State (NYS) Office of Mental Health (OMH) owned land situated in the northwest portion of the City of Buffalo, Erie County, New York (see **Figure 1-1**). The ROC is comprised of many individual buildings including the former Buffalo State Asylum for the Insane, also referred to as the "Buffalo State Hospital", the newer Buffalo Psychiatric Center (BPC), buildings leased by OMH tenants (e.g., Margaret A.

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Stutzman Addiction Treatment Center, Transitional Service, Inc., etc.), landscaped open space, surface parking lots, and internal roadways and pathways. The ROC or “Project Area” is generally bounded to the north by Rockwell Road; the west by Rees Street; the south by Forest Avenue; and the east by Elmwood Avenue (see **Figure 1-2**).

Portions of the ROC, including the Henry Hobson Richardson (Richardson)-designed Buffalo State Hospital and the Calvert Vaux (Vaux) and Frederick Law Olmsted (Olmsted)-designed grounds, which were previously used as a psychiatric treatment facility, are designated as a National Historic Landmark (NHL) and is on the State and National Registers of Historic Places (S/NRHP). NHL’s are nationally significant historic places designated by the Secretary of the U.S. Department of Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States.



Historic Buffalo State Hospital buildings, circa 1900 (Source: Goody Clancy 2009)

Approximately 38.2-acres of the ROC site, including the NHL listed Buffalo State Hospital (480,000 square feet of vacant building space) and grounds, have been designated as “surplus” property by OMH and are available for redevelopment (Of note, up to 7.2 acres of additional land area may be declared surplus in the near future and would potentially be available for redevelopment.) (see **Figure 1-3**). The remaining  $\pm 52.8$  acres of the site are expected to be retained by their current owner, including:

- **Buffalo Psychiatric Center (BPC).** A total of  $\pm 45.4$  acres would be retained by OMH and utilized to provide services to adults with mental illness and for other uses. (Of note, up to  $\pm 7.2$  acres of this land area may be declared surplus in the near future and would potentially be available for redevelopment.)
- **Buffalo State College (BSC).** Approximately 2.5 acres is utilized by BSC, whose campus is located immediately north of the ROC, for a large maintenance facility.

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- **Burchfield Penney Art Center.** The art center is located on ±4.9 acres in the northeast corner of the ROC.

Initial RCC actions would focus activities on the surplus 38.2 acres of land with the possibility of an additional ±4.6 acres of land along Forest Avenue (see **Figure 1-3**). The additional acres of land are considered an integral component of visually linking the historic Forest Avenue entrance with the original Buffalo State Hospital. At a later date, the RCC may seek appropriate property rights to gain title or an easement to a ±2.6-acre parcel of land along Rockwell Road in order to create a stronger visual connection to BSC on the northern side of the original Buffalo State Hospital.

### 1.2 ROC Master Plan - Overview

In 2007, the RCC initiated a master planning effort to assess the ROC's buildings and site, adjacent neighborhoods, and with extensive public outreach, create a plan for the long-term development of the historic buildings and grounds. The master planning process included substantial public engagement in the form of open public meetings, one-on-one interviews and small group meetings, as development constraints and considerations were evaluated. **Chapter 2** provides a discussion of activities comprising the ROC master planning process.

The planning process resulted in a multi-year vision with flexibility to accommodate future market conditions. The ROC Master Plan envisions four phases of development based on market conditions and availability of funding (Core Project, Expanded Core Project, Full Reuse of All Historically Significant Structure, and Development Landholding). The four phases of development are described in detail in **Chapter 3**.

### 1.3 The Project - Purpose and Public Need

The purpose of the Project is to provide for the rehabilitation and reuse of the historically significant buildings to be acquired by the Richardson Center Corporation (RCC) (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 buildings and grounds and provide the local community the opportunity for economic development, including the facilitation of tourism and to strengthen neighborhood assets and direct economic development activity to the surrounding area.

The Project would involve expending State funds administered by ESDC to undertake activities that are an outgrowth of the ROC Master Plan, prepared by the RCC. The ROC Master Plan involves a program for the stabilization, rehabilitation, and adaptive reuse of the buildings comprising the former

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Buffalo State Hospital and the Olmsted and Vaux-designed grounds. The ROC Master Plan seeks ways to reuse the existing buildings and aspires to integrate additional facilities in a manner complimentary to the original spirit of the site.

This DGEIS addresses the potential impacts resulting from the full build-out of the ROC Master Plan, including the Core Project, Expanded Core Project, Full Reuse of All Historically Significant Structures (on the 38.2 acres of surplus land), and Development Landholding development stages. The four stages would comprise a maximum of 880,000 gross square feet (GSF) of redeveloped and new building space and also includes the prioritizing of landscape investments, stabilizing buildings, increasing public access, and creating a mixed-use destination centered around, and identified jointly with, the iconic towers of Building 45 (Administrative Building).

To implement the Project, the RCC and ESDC would undertake or cause to be undertaken the following three key actions.

- **Disposition of State-Owned Lands.** The disposition of designated NYS OMH-owned surplus lands and pending non-surplus lands, including the vacant Buffalo State Hospital and Olmsted and Vaux landscaped grounds located on the ROC site to the RCC. The RCC is seeking to gain title of the property through special legislation by the State of New York. Special legislation was identified as the most direct and expedient means of transferring the property from the State to the RCC. Consultation with the City of Buffalo will be required for modification or waiving its “reversionary rights” to the property<sup>2</sup>.
- **Amendment to City of Buffalo Zoning Ordinance.** The Project would require an amendment to the City of Buffalo Zoning Ordinance to permit and support the new land uses anticipated in the ROC Master Plan. The zoning change would include the rezoning of surplus lands 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. Review and approval of any future zoning amendment is under the sole purview of the City of Buffalo Common Council, through recommendation of the Buffalo Planning Board. Both entities are classified as “involved agencies” in this SEQRA review.
- **Expenditure of State Funds for the Rehabilitation of ROC Buildings and Grounds.** The State of New York has targeted \$76.5 million in funds to assist in undertaking efforts to advance the ROC Master Plan. In accordance

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<sup>2</sup> Note: The City of Buffalo originally provided the land for use as Buffalo State Hospital with a provision that the land would revert back to the City upon ceasing such usage.

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with the requirements of the NYS UDC Act, ESDC would adopt and, if necessary, affirm the GPP to authorize funding activities to further these objectives. The GPP would be subject to public review and approval by the ESDC Board of Directors and review/approval of the NYS Public Authorities Control Board. ESDC would enter into a grant agreement with the RCC to undertake/administer a program of expenditures of State funds, and as applicable, other public and private funds, for the rehabilitation of the ROC buildings, landscape/grounds, and supporting infrastructure in accordance with the GPP. The actions and spending plan authorized by the GPP would be an outgrowth of the ROC Master Plan to facilitate the master plan's overall goals, objectives, and recommendations. Of note, a portion of the targeted funds have been expended by the RCC for stabilization and planning activities. To date, the RCC has expended approximately \$1.9 million on planning and other preconstruction costs and obligated \$9.9 million for stabilization activities, of which \$1.4 million has been spent (Pellegrino-Faix 2010).

A more detailed description of the Project is included in **Chapter 3**.

### 1.4 Scope of the DGEIS

This DGEIS evaluates the potential direct, indirect, short-term, and long-term impacts on the human and natural environments resulting from the Project. Resource areas examined in this DGEIS and potentially impacted include cultural resources, visual resources, land use and development policies, socioeconomics, traffic and transportation, hazardous materials, community services, utilities, air quality, noise, physical and ecological resources, public safety, and construction impacts. The DGEIS also addresses potential cumulative impacts that may result from reasonably foreseeable projects in the region. This DGEIS addresses impacts based on full build-out of all four development stages of the ROC Master Plan, including the Core Project, Expanded Core Project, Full Reuse of All Historically Significant Structures, and Development Landholding phases and assumptions made regarding foreseeable reuse of the property. The assumptions were based on the ROC Master Plan, current property use, existing and proposed land use and zoning regulations, and the build-out time line and development mix.

The information and data used in the preparation of this DGEIS was obtained by reviewing existing documents and studies, including literature, maps, and planning documents; conversations and coordination with local, state, and federal stakeholders and officials. Specific studies and reports utilized in preparing this DGEIS include:

- *Final Scoping Report for Generic Environmental Impact Statement, Richardson Olmsted Complex, February 2010.*

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- *Master Plan for Richardson Olmsted Complex, September 2009 (RCC2009).*
- *Historic Structures Report, the Richardson Olmsted Complex, July 2008 (Goody and Clancy 2008).*
- *Cultural Landscape Report, the Richardson Olmsted Complex, October 2008 (Heritage Landscapes 2008).*

See **Chapter 9** for a complete list of references included in this DGEIS.

### 1.5 SEQRA Process and Public Involvement

SEQRA establishes a process to systematically consider environmental factors early in the planning stages of actions that are directly undertaken, funded or approved by local, regional and state agencies. By incorporating environmental review early in the planning stages, projects can be modified as needed to avoid adverse impacts on the environment.

Because the Project is based upon a conceptual development plan involving both well-defined elements and certain less-defined components that would be designed and developed in the future as part of subsequent phases, it was determined that a GEIS was the most appropriate way of addressing the environmental review for the Project. GEIS's are permitted under SEQRA to allow for a comprehensive review of possible scenarios in future, outlining potential future review activities as project components come on-line. This is done through establishing "thresholds" for review of future project components. These are discussed in **Section 7.5** of this DGEIS.

In accordance with SEQRA, the ESDC has prepared this DGEIS to assess the potential impacts resulting from the Proposed Action. The SEQRA process included the following steps:

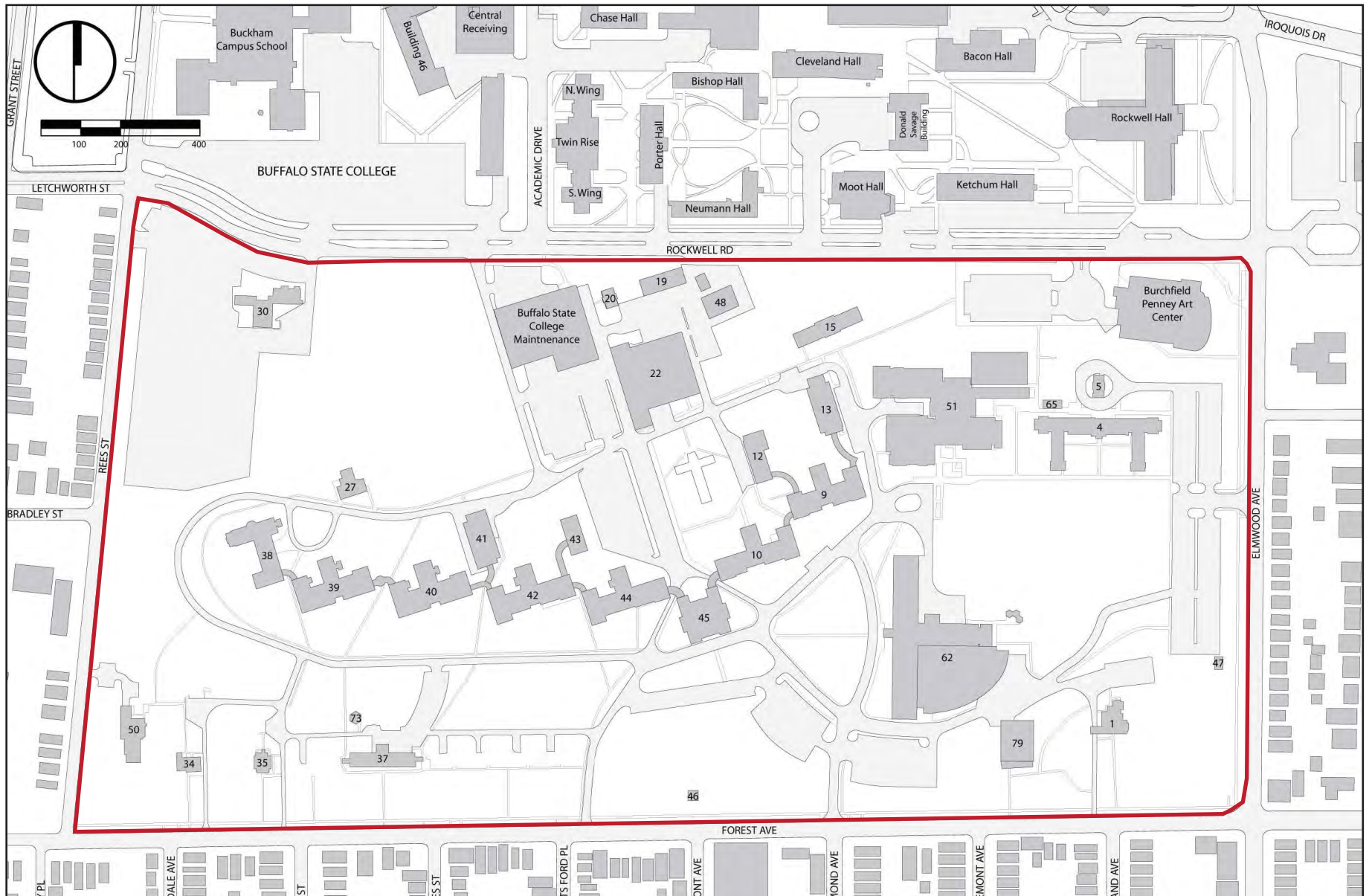
1. **Establish Lead Agency.** By notice dated July 1, 2008, ESDC circulated to potentially involved and interested agencies a completed Part 1 of an Environmental Assessment Form (EAF) on the Project and solicited lead agency status. No objections to ESDC serving as SEQRA lead agency were received within the required 30-day comment period ending August 1, 2008. A list of the agencies solicited is included in **Appendix B**.
2. **ROC Planning Process.** The nearly two-year long master planning process involved identification and analysis of development constraints and considerations, vetting of alternative development schemes, and selection of various "phases" of future redevelopment. The master planning process included three open public meetings, seven Community Advisory Group meetings, and numerous agency and stakeholder meetings.



Source: Modified from RCC 2009

Figure 1-1  
Richardson Olmsted Complex (ROC) Site Location Map  
Buffalo, New York

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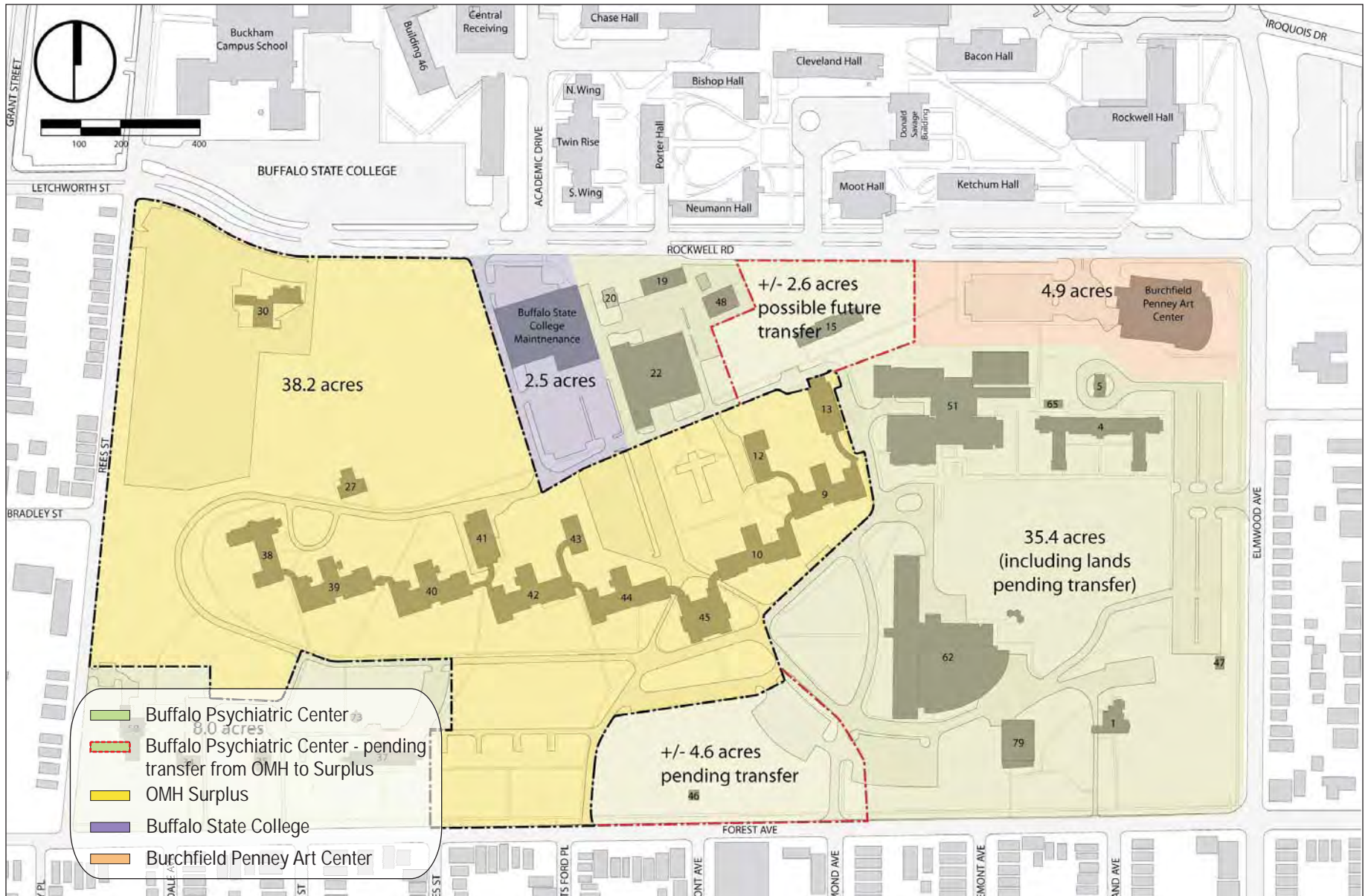


Source: RCC 2009

**Note:** See Table 4.1-1 for building names, current uses, and years of construction.

Figure 1-2  
Richardson Olmsted Complex (ROC) 2010  
Buffalo, New York

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Note: The +/- 4.6 acres surplus "South Lawn" parcel has been reduced in size to +/- 4.2 acres based on discussions with OMH subsequent to the release for the Draft ROC Master Plan.

**Richardson Olmsted Complex Master Plan**  
Buffalo, New York

**Figure 1-3**  
Property Ownership

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3. **Determine Significance.** In November 2009, ESDC made a Positive Declaration that identified that there may be one or more significant adverse environmental impacts resulting from the Project. The Positive Declaration required that an EIS be prepared.
4. **Public Scoping Period.** ESDC, as lead agency, initiated a public scoping process with the purpose of informing the community of the Project and to seek input on concerns/issues that should be addressed in the DGEIS. The public scoping process included a Public Scoping Comment Period and one Public Scoping Meeting. Federal, state, and local agencies and members of the public were encouraged to provide comments on issues that need to be addressed in the DGEIS. The primary purpose of the public scoping process was to focus the DGEIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant, non-significant, or unnecessary. In addition, the scoping process provided an opportunity for early participation by involved agencies and the public in the review of the Project.

Prior to the initiation of the Public Scoping Comment Period, a Draft Scoping Report was made available to the public. The report provided a brief overview of the Project and a summary of those resources that would be evaluated in the DGEIS. The Draft Scoping Report was made available on the RCC website and hard-copies were made available for public review at the Central Branch and Crane Branch of the Buffalo and Erie County Public Library and upon request through ESDC's Buffalo office.

The Public Scoping Comment Period began on December 1, 2009, and concluded on Friday, January 15, 2010, for a total of 46 calendar days. A notification letter (i.e., Notice of Public Scoping Meeting and Intent to Prepare a Draft Generic Environmental Impact Statement) and a scoping meeting announcement postcard was mailed to over 500 federal, state, and local agencies and members of the public. A formal public notice was published in the ENB and *The Buffalo News* to announce the Public Scoping Comment Period and Public Scoping Meeting date and location. The Public Scoping Meeting was held on Thursday, December 17, 2009 (6:00 P.M.) at Rockwell Hall Auditorium, Buffalo State College, 1300 Elmwood Avenue, Buffalo, New York 14222. The scoping meeting was open to the general public and featured displays, fact sheets, a presentation, and ended with an open comment period. The Public Scoping Meeting was used to inform the public on the SEQRA process and the Project and to solicit comments from the public on the scope of the DGEIS.

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A total of 61 people attended the Public Scoping Meeting, and at the conclusion of the 46-day scoping period the ESDC received a total of 15 verbal, written, and email comments from other agencies and the public. A large portion of comments received during the Public Scoping Comment Period focused on the content of the ROC Master Plan.

Based on comments received during the public scoping process, no change to the overall scope of assessments in the DGEIS was required. This was because the scope of the DGEIS already included an examination of those issues identified by the public including potential cultural, visual, land use, traffic and transportation, and hazardous material impacts. Certain comments received however, will be used to help refine and/or shape assessments in these categories.

The issues and concerns that were raised during the scoping process that will not be specifically addressed in the DGEIS include those comments regarding the content of the ROC Master Plan (i.e., except where such issues relate to a specific environmental assessment) and requests to specifically evaluate the impact of a potential fee-based parking management system. While important, these comments were determined to be related to the previously conducted master planning process or the future operation and management of the ROC and not relevant or environmentally significant in regards to the scope of the DGEIS. Of note, the DGEIS includes a general examination of parking demand, parking requirements, and any potential direct or indirect parking impacts on- and off-site. If an adverse parking impact is experienced, applicable mitigation measures could be implemented. At this time no specific parking management plan has been developed for the ROC and the analysis of a fee-based system is speculative and not reasonably foreseeable at this time.

A summary of the comments received during the Public Scoping Period are included in the *Final Scoping Report for the Generic Environmental Impact Statement, Richardson Olmsted Complex Master Plan, Buffalo, New York, April 2010*.

5. **Draft GEIS.** This DGEIS was prepared and will be made available for public review and comment. The DGEIS documents the methodology, analysis, and findings associated with the proposed action. A minimum 30-day public review and comment period will be held following the acceptance of the DGEIS by the ESDC Board of Directors. All interested persons will be invited to the public hearing or may file written comments. All substantive comments will become part of the official record.

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6. **Final GEIS.** The FGEIS will be completed after considering the public comments received on the DGEIS. The FGEIS will respond to all substantive comments received on the DGEIS and will include refinements, clarifications, and/or revisions to the DGEIS necessary to address such comments, if necessary.
7. **Findings Statement.** After a FGEIS has been accepted as complete, the Lead Agency and any involved agencies having jurisdiction for components of the project, will consider the relevant environmental impacts presented in the FGEIS, weigh and balance them with social, economic and other essential considerations, provide a rationale for the agency's decision, and certify that the SEQRA requirements have been met. In addition, the Lead Agency or other involved agencies may make findings statements that may include mitigation measures.

**1.6 Regulatory Framework**

The future owner or developer(s) of the ROC will be responsible for acquiring applicable building permits, zoning approvals, and environmental permits for redevelopment and/or reuse of the property. **Table 1-1** identifies the permits, approvals and other discretionary actions that may be required for project implementation. Consistency with other federal, state, and local plans, policies and regulations is further detailed, as applicable, in **Chapters 4 and 5** of this DGEIS.

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<b>Regulatory Authority</b>	<b>Potential Requirement</b>
New York State	- Special legislation transferring surplus OMH lands to the RCC
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 Law on potential effects to S/NRHP listed and eligible resources.
Empire State Development Corporation	- General Project Plan
New York State Public Authorities Control Board	- Review/approval of ESDC General Project Plan
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 - Dedication of new public streets, 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 the public right-of-way
City of Buffalo Water Board	- Design of water lines and connections

\*Note: This list does not include potential approvals for governmental funding sources for the Project.