



210 Ellicott Square, 295 Main Street * Buffalo, NY 14203-2219
Phone: (716) 854-0060 * Fax: (716) 852-2829

March 18, 2016

NYS Department of State
Division of Coastal Resources
Consistency review Unit
One Commerce Plaza
99 Washington Ave, Suite 1010
Albany, NY 12231-00001
(518) 474-6000

Re: Federal Consistency Assessment Application
For proposed 6' wide x 600' Long floating docks
301 Ohio Street
Buffalo, New York 14204

Received

MAR 20 2016

Consistency Assessment

Dear Department of State:

Enclosed is our application for the above referenced project.

This letter is meant to address the coastal policy numbers that may be affected by the activity of constructing the aforementioned proposed floating docks. Each item below references the respective number and letter in the Coastal Assessment form.

Question 1-c: - Revitalization/redevelopment of a deteriorated or underutilized waterfront site.

Policy # 1 – Ellicott Development is a private developer who owns the property known as 301 Ohio Street. The property was previously used as an industrial site dating back to the late 1800's. It has been vacant for well over three decades and perhaps longer. Ellicott purchased the property and is the process of re-developing it into a mixed-use facility.

The site has been enrolled and accepted into the NYS Brownfield Cleanup Program. Our reference number is C915287. The site and associated shore line are in deplorable condition and this is the start of revitalizing this area.

Phase 1 includes a new, 5-story building. The top three floors consist of 21 market rate apartments. The 2nd floor is going to be used as office space. The first floor consists of a “beach themed” bar and a restaurant.

We are hoping to gain approval to construct a new 6’ wide x 600’ long floating dock along the banks of the Buffalo River for the purposes of allowing transient boaters to access the new restaurant and bar.

Should phase 1 be a success, we currently are planning at least two other, five story buildings on the same site consisting of similar mixed-use qualities. Buffalo is in the midst of a revitalization and this is the first residential/mixed use project of its kind along the Buffalo River.

Question 1-d: Reduction of existing or potential public access to or along coastal waters

Policy # 19

There currently is no public access available to this property at 301 Ohio from the coastal waters. The main reason is due to the existing badly deteriorated timber piles and former structures along the shoreline. See attached photos.

The addition of a new floating dock that will be available to all transient boaters will greatly enhance the ability for the public to fully utilize the Buffalo River and enjoy the experiences along it. Located less than ½ mile from the mouth of Lake Erie, we expect the facility will be greatly utilized.

We understand that the Army Corp of Engineers is also planning on cleaning up the shoreline along the River of our property under a separate restoration program that they manage. They have provided us with a draft plan of their Aquatic Habitat Restoration Plan. Under their plan, they expect to remove the all the existing deteriorated timber piles and replace them with aquatic vegetation used to enhance the shoreline for the purposes of restoring both aquatic life and fish species. The schedule for that work is anticipated to start in Fall of 2016.

Policy # 20

Just to the north of this property at 301 Ohio Street is a newly dedicated public park called Buffalo River Fest Park, LLC. Although the park is open to the public, it is our understanding that it is a non-for profit facility that was privately funded. It is small in size being approximately three acres. It includes a new single story building that is rented out for private events. Also on the property is a newly constructed pier with a very small floating dock that is open to the public during limited times as they have a gate at the top of their gang plank. (See attached photos).

By comparison, the new development and associated 600’ floating dock Ellicott Development is proposing will be open to the public at all times and will enhance the boating experience along the Buffalo River.

Question 2-g: Major Ports of Albany, Buffalo, Ogdensburg, Oswego or New York

Policy # 3

Allowing for the construction of a new 600' floating dock meets all the criteria of this policy and as mentioned above will only further to enhance the experiences along the Buffalo River.

Question 3-a: Waterfront Site

Policy # 2

Allowing the construction of our proposed floating dock meets all the criteria of this policy. The Buffalo River is a sheltered harbor from Lake Erie. The site is close enough to allow boaters from the Lake to seek a place of calm waters. Public restrooms will be accessible inside the new building and visitors will have access to the restaurant.

Policy # 21

Once boaters are able to tie up to the new dock, they will walk up a gang plank to the 301 Ohio street property. There will be a paved foot path with landscaping that will be used to walk up to the restaurant.

Policy # 22

Once all phases of construction are completed on land with at least three, five story buildings, there will be over 60 market rate apartments, office space, restaurants and retail space along the entire length of the property. This certainly seems to satisfy all aspects of this policy. All this development is privately funded by Ellicott Development.

We trust that our proposed plan will satisfy all criteria necessary to gain your approval. Should you have any questions, feel free to contact me at (716) 854-0060.

We greatly appreciate your anticipated approval or our plan.

Sincerely,



Kirk D. Fitscher
Vice President
Ellicott Development

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: 1093 Group, LLC
2. Address: 295 Main Street - Suite 210 Buffalo, NY 14203
3. Telephone: Area Code () 716-854-0060

B. PROPOSED ACTIVITY

1. Brief description of activity:

Construction of a new 6' Wide x 600' Long Floating dock anchored by approximately thirty (30), 10" diameter steel piles.

2. Purpose of activity:

To provide public access for transient boaters who want to access the property.

3. Location of activity:

<u>Erie</u>	<u>Buffalo</u>	<u>301 Ohio Street</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: Army Corp. of Engineers

5. Federal application number, if known: Army Corp. of Engineers

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

Department of Environmental Conservation

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES / NO
- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
 - b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
 - c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
 - d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
 - e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) . . .
 - f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
 - g. Siting of a facility essential to the generation or transmission of energy? (27)
 - h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
 - i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
 - j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
 - k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) .
 - l. Adverse effect upon land or water uses within the State's small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES / NO
- a. State designated freshwater or tidal wetland? (44)
 - b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17,)
 - c. State designated significant fish and/or wildlife habitat? (7)
 - d. State designated significant scenic resource or area? (24)
 - e. State designated important agricultural lands? (26)
 - f. Beach, dune or barrier island? (12)
 - g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
 - h. State, county, or local park? (19, 20)
 - i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES / NO
- a. Waterfront site? (2, 21, 22)
 - b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
 - c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
 - d. State water quality permit or certification? (30, 38, 40)
 - e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document)

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: 1093 Group, LLC

Address: 295 Main Street - Suite 210 Buffalo, NY 14203

Telephone: Area Code (716) 854-0060

Applicant/Agent's Signature:  Date: 3/18/2016

Received

MAR 22 2016

PLANNING & DEVELOPMENT

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, 1 Commerce Plaza, 99 Washington Avenue - Suite 1010, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.



210 Ellicott Square, 295 Main Street * Buffalo, NY 14203-2219
Phone: (716) 854-0060 * Fax: (716) 852-2829

Date: 3/8/2016

TO: For DEC Regions 6, 7, 8, 9
US Army Corps of Engineers
Buffalo District
ATTN: Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207-3199
(716)879-4330
Email: LRB.Regulatory@usace.army.mil

From: Kirk D. Fitscher, Vice President 
Ellicott Development Company
c/o 1093 Group, LLC
295 Main Street
Buffalo, New York 14203
(716) 854-0060 - Office
(716) 818-9997 - Cell

Re: **Application to Construct Floating docks**
301 Ohio Street
Buffalo, New York 14204

Copies to: **NYS DEC Region 9**
Regional Permit Administrator
270 Michigan Avenue
Buffalo, NY 14203-2915
(716)851-7165
Email: r9dep@gw.dec.state.ny.us

Received
MAR 22 2016
Planning Department

NYS Office of General Services
Real Estate Development – Land Mgmt.
Corning Tower 26th Floor
Empire State Plaza
Albany, NY 12242-0001
(518)474-2195
www.ogs.state.ny.us

NYS Department of State
Division of Coastal Resources
Consistency review Unit
One Commerce Plaza
99 Washington Ave, Suite 1010
Albany, NY 12231-00001
(518) 474-6000
www.nyswaterfronts.com

March 18, 2016

To whom it concerns:

Please find enclosed the necessary forms and applications to gain your approval to construct a seasonal, 6' wide x 600' long floating dock along the eastern bank of the Buffalo River. The purpose of the dock will be to provide public access for all recreational boaters who wish to visit the new building we are constructing on the grounds at 301 Ohio Street. These docks will be installed each Spring season and removed in the Fall. They will be stored on land at the property. They are meant to be a seasonal dock but the steel piles will remain permanently in the water.

The proposed dock structure will start twelve (12) feet south of the north property line. The property is neighbored to the north by a parking lot and public park. Their information is:

215-235 Ohio Street
SBL #122.05-11-1.11 and # 122.05-11-3
Owner: BUFFALO RIVER FEST PARK LLC

Mailing Address:
BUFFALO RIVER FEST PARK LLC
C/O MARGARET OVERDORF
VALLEY COMMUNITY CENTER
93 LEDDY STREET
BUFFALO, NY 14210
Phone # (716) 823-4707

The property is neighbored to the south by

405 Ohio Street
SBL # 122.10-2-7.213
1.03 acres
Owner: BUFFALO SCHOLASTIC ROWING ASSOCIATION

Mailing Address:
120 W. TUPPER ST. # 201
BUFFALO, NY 14201
Contact Person: Mark Kostrzewski
(716) 855-1600

Included in this application are the following documents:

- 1.) US Army Corp. of Engineers Joint Application form 2 pages
This application includes the following attachments:
 - a.) One (1) – 8-1/2" x 11" rendering of dock & new building 1 page
 - b.) 8 photographs depicting existing conditions 8 Pages
 - c.) One (1) – 8-1/2" x 11" location map 1 Page
 - d.) One (1) 11" x 17" – Site Plan G001 dated January, 2016 1 Page

- 2.) NYS Department of State Coastal Management Program's Federal Consistency Assessment Form 3 Pages
This application includes the following attachments:
 - a.) 3/18/16 – Letter addressing Policies 3 Pages
 - b.) One (1) – 8-1/2" x 11" rendering of dock & new building 1 page
 - c.) 8 photographs depicting existing conditions 8 Pages

- 3.) Full Environmental Assessment Form – Part 1 15 pages

END OF MEMO



JOINT APPLICATION FORM

For Permits/Determinations to undertake activities affecting streams, waterways, waterbodies, wetlands, coastal areas and sources of water supply.



New York State

You must separately apply for and obtain separate Permits/Determinations from each involved agency prior to proceeding with work. Please read all instructions.

US Army Corps of Engineers (USACE)

<p>APPLICATIONS TO 1. NYS Department of Environmental Conservation</p> <p>Check all permits that apply:</p> <table border="0"> <tr> <td><input type="checkbox"/> Stream Disturbance</td> <td><input type="checkbox"/> Coastal Erosion Management</td> </tr> <tr> <td><input type="checkbox"/> Excavation and Fill in Navigable Waters</td> <td><input type="checkbox"/> Wild, Scenic and Recreational Rivers</td> </tr> <tr> <td><input checked="" type="checkbox"/> Docks, Moorings or Platforms</td> <td><input type="checkbox"/> Water Supply</td> </tr> <tr> <td><input type="checkbox"/> Dams and Impoundment Structures</td> <td><input type="checkbox"/> Long Island Well</td> </tr> <tr> <td><input type="checkbox"/> 401 Water Quality Certification</td> <td><input type="checkbox"/> Aquatic Vegetation Control</td> </tr> <tr> <td><input type="checkbox"/> Freshwater Wetlands</td> <td><input type="checkbox"/> Aquatic Insect Control</td> </tr> <tr> <td><input type="checkbox"/> Tidal Wetlands</td> <td><input type="checkbox"/> Fish Control</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Incidental Take of Endangered/Threatened Species</td> </tr> </table> <p><input checked="" type="checkbox"/> I am sending this application to this agency.</p>	<input type="checkbox"/> Stream Disturbance	<input type="checkbox"/> Coastal Erosion Management	<input type="checkbox"/> Excavation and Fill in Navigable Waters	<input type="checkbox"/> Wild, Scenic and Recreational Rivers	<input checked="" type="checkbox"/> Docks, Moorings or Platforms	<input type="checkbox"/> Water Supply	<input type="checkbox"/> Dams and Impoundment Structures	<input type="checkbox"/> Long Island Well	<input type="checkbox"/> 401 Water Quality Certification	<input type="checkbox"/> Aquatic Vegetation Control	<input type="checkbox"/> Freshwater Wetlands	<input type="checkbox"/> Aquatic Insect Control	<input type="checkbox"/> Tidal Wetlands	<input type="checkbox"/> Fish Control		<input type="checkbox"/> Incidental Take of Endangered/Threatened Species	<p>2. US Army Corps of Engineers</p> <p>Check all permits that apply:</p> <p><input type="checkbox"/> Section 404 Clean Water Act</p> <p><input checked="" type="checkbox"/> Section 10 Rivers and Harbors Act</p> <p><input type="checkbox"/> Nationwide Permit(s) - Identify Number(s): _____ _____</p> <p>Preconstruction Notification - <input type="checkbox"/> Y / <input type="checkbox"/> N</p> <p><input checked="" type="checkbox"/> I am sending this application to this agency.</p>	<p>3. NYS Office of General Services</p> <p>Check all permits that apply:</p> <p><input type="checkbox"/> State Owned Lands Under Water</p> <p><input type="checkbox"/> Utility Easement (pipelines, conduits, cables, etc.)</p> <p><input checked="" type="checkbox"/> Docks, Moorings or Platforms</p> <p><input checked="" type="checkbox"/> I am sending this application to this agency.</p>	<p>4. NYS Department of State</p> <p>Check if this applies:</p> <p><input checked="" type="checkbox"/> Coastal Consistency Concurrence</p> <p><input checked="" type="checkbox"/> I am sending this application to this agency.</p>
<input type="checkbox"/> Stream Disturbance	<input type="checkbox"/> Coastal Erosion Management																		
<input type="checkbox"/> Excavation and Fill in Navigable Waters	<input type="checkbox"/> Wild, Scenic and Recreational Rivers																		
<input checked="" type="checkbox"/> Docks, Moorings or Platforms	<input type="checkbox"/> Water Supply																		
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<input type="checkbox"/> Tidal Wetlands	<input type="checkbox"/> Fish Control																		
	<input type="checkbox"/> Incidental Take of Endangered/Threatened Species																		

5. Name of Applicant (use full name) 1093 Group, LLC		Applicant must be: <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Operator <input type="checkbox"/> Lessee (check all that apply)
Mailing Address 295 Main Street - Suite 210		
Post Office City Buffalo	Taxpayer ID (If applicant is NOT an individual): 05-0615732	
State NY	Zip Code 14203	
Telephone (daytime) 716-854-0060	Email kfitscher@ellicottdevelopment.	

6. Name of Facility or Property Owner (if different than Applicant) 1093 Group, LLC	
Mailing Address 295 Main Street - Suite 210	
Post Office City Buffalo	Taxpayer ID (If applicant is NOT an individual): 05-0615732
State NY	Zip Code 14203
Telephone (daytime) 716-854-0060	Email kfitscher@ellicottdevelopment.

7. Contact/Agent Name Kirk Fitscher	
Company Name 1093 Group, LLC	
Mailing Address 295 Main Street - Suite 210	
Post Office City Buffalo	Taxpayer ID (If applicant is NOT an individual): 05-0615732
State NY	Zip Code 14203
Telephone (daytime) 716-854-0060	Email Kfitscher@ellicottdevelopment.

8. Project / Facility Name 301 Ohio		Property Tax Map Section / Block / Lot Number 122.10-2-24	
Project Location - Provide directions and distances to roads, bridges and bodies of waters: Corner of Ohio Street & Chicago Street			
Street Address, if applicable 301 Ohio Street		Post Office City Buffalo	State Zip Code NY 14204
Town / Village / City Buffalo		County Erie	
Name of USGS Quadrangle Map		Stream/Water Body Name Buffalo River	
Location Coordinates: Enter NYTMs in kilometers, OR Latitude/Longitude			
NYTM-E	NYTM-N	Latitude	Longitude

For Agency Use Only	DEC Application Number:	USACE Number:
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JOINT APPLICATION FORM - PAGE 2 OF 2
Submit this completed page as part of your Application.

9. Project Description and Purpose: Provide a complete narrative description of the proposed work and its purpose. Attach additional page(s) if necessary. Include: description of current site conditions and how the site will be modified by the proposed project; structures and fill materials to be installed; type and quantity of materials to be used (i.e., square ft of coverage and cubic yds of fill material and/or structures below ordinary/mean high water) area of excavation or dredging, volumes of material to be removed and location of dredged material disposal or use; work methods and type of equipment to be used; pollution control methods and mitigation activities proposed to compensate for resource impacts; and where applicable, the phasing of activities. **ATTACH PLANS ON SEPARATE PAGES.**

There is currently a variety of old Timber piles and wood dunnage along the eastern shore of the Buffalo River that is deteriorated to the point of being unusable. We propose to install approximately thirty (30) new steel pipe piles along the shoreline. These will anchor a new 600' Long 6' Wide Floating dock. One (1) 6' Wide x 30' Long gang plank will allow recreational boaters to access the property at 301 Ohio Street.

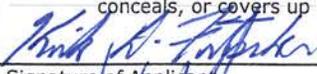
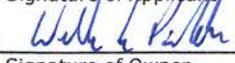
Received
MAR 22 2016
RYSOCS
Planning & Development

Proposed Use: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Commercial	Proposed Start Date: April 15, 2016	Estimated Completion Date: April 15, 2017
Has Work Begun on Project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain.		
Will Project Occupy Federal, State or Municipal Land? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please specify.		

10. List Previous Permit / Application Numbers (if any) and Dates:
None

11. Will this project require additional Federal, State, or Local Permits including zoning changes? Yes No If yes, please list:

12. Signatures. If applicant is not the owner, both must sign the application.
I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

	Kirk D. Fitscher	Vice President	3/18/2016
Signature of Applicant	Printed Name	Title	Date
	William Paladino	CEO	3/18/2016
Signature of Owner	Printed Name	Title	Date
Signature of Agent	Printed Name	Title	Date

For Agency Use Only	DETERMINATION OF NO PERMIT REQUIRED		
_____	Agency Project Number _____		
(Agency Name)	has determined that No Permit is required from this Agency for the project described in this application.		
Agency Representative: Name (printed) _____	Title _____		Date _____
Signature _____	Date _____		

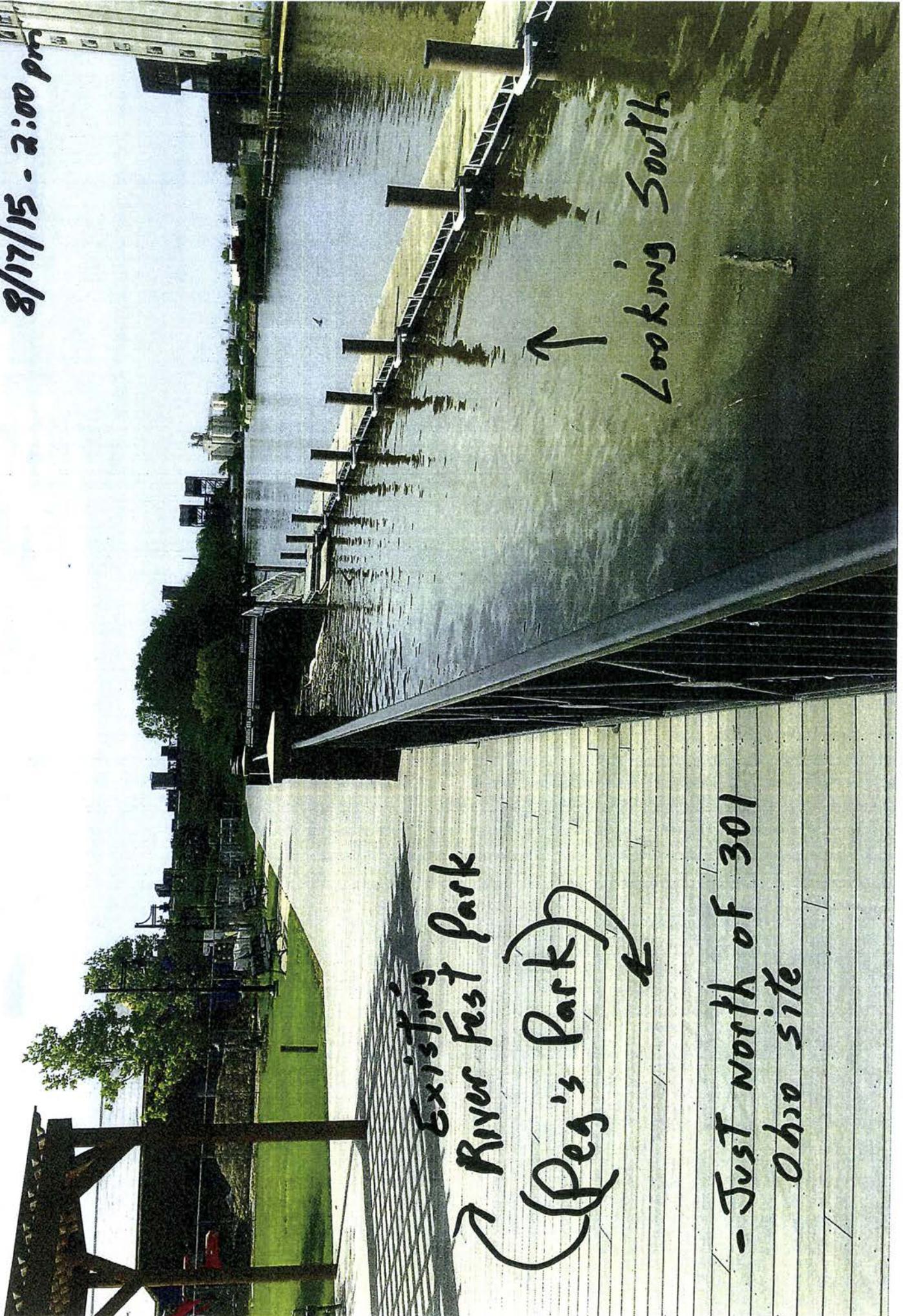
301 Ohio Street

Restaurant



①

8/17/15 - 2:00 pm



Existing River Fest Park
(Peg's Park)

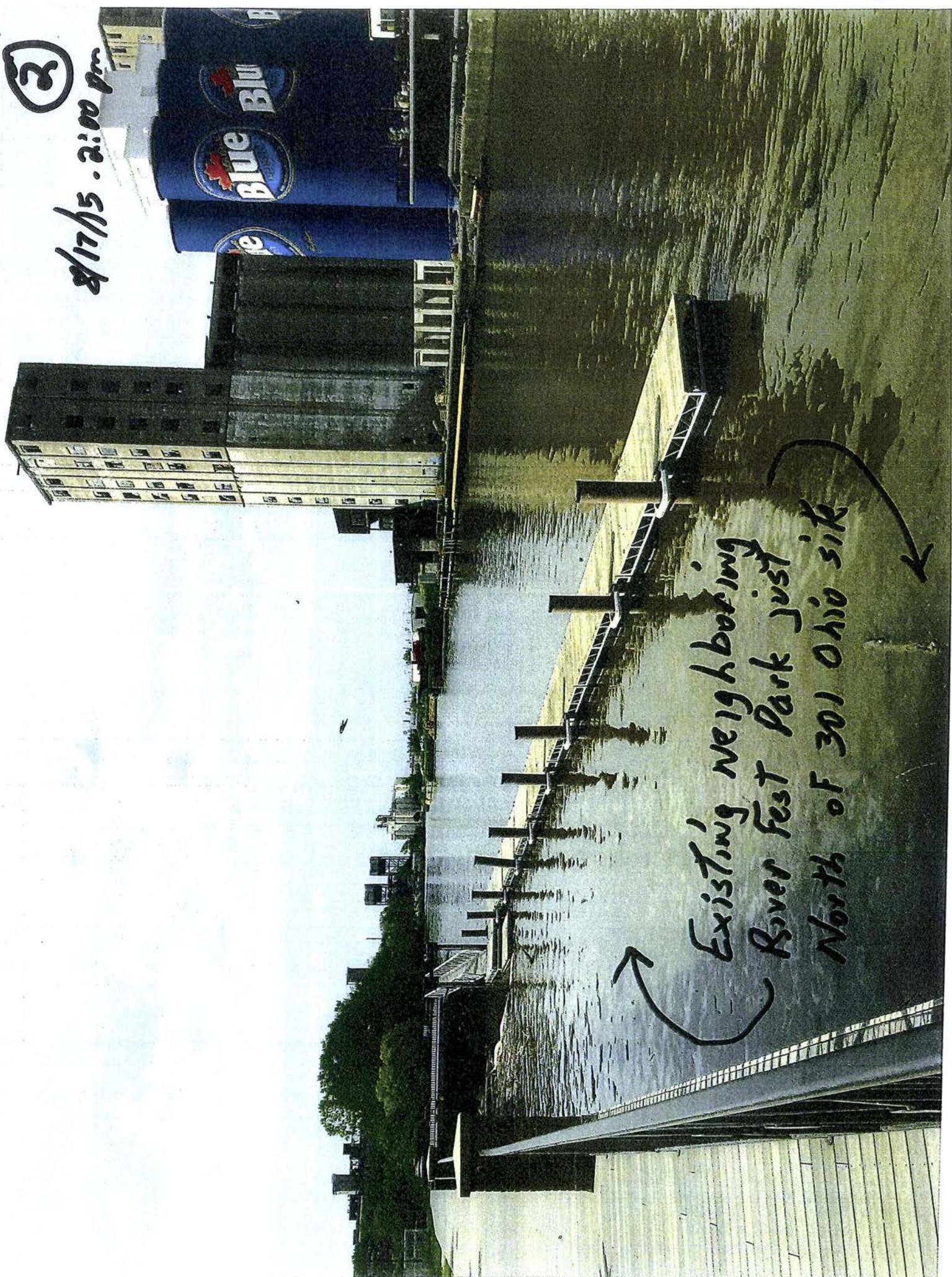
- Just north of 301
Ohio site



Looking South

2

8/17/15 . 2:00 pm



Existing neighboring
River Fest Park just
North of 301 Ohio site

8/17/15 - 2:00 pm (3)

Looking South



Will leave a gap to Property Line

Start of 600' Dock

12' Property Line

Peg's Park

1/7/16 - 8:00am 4

Looking South

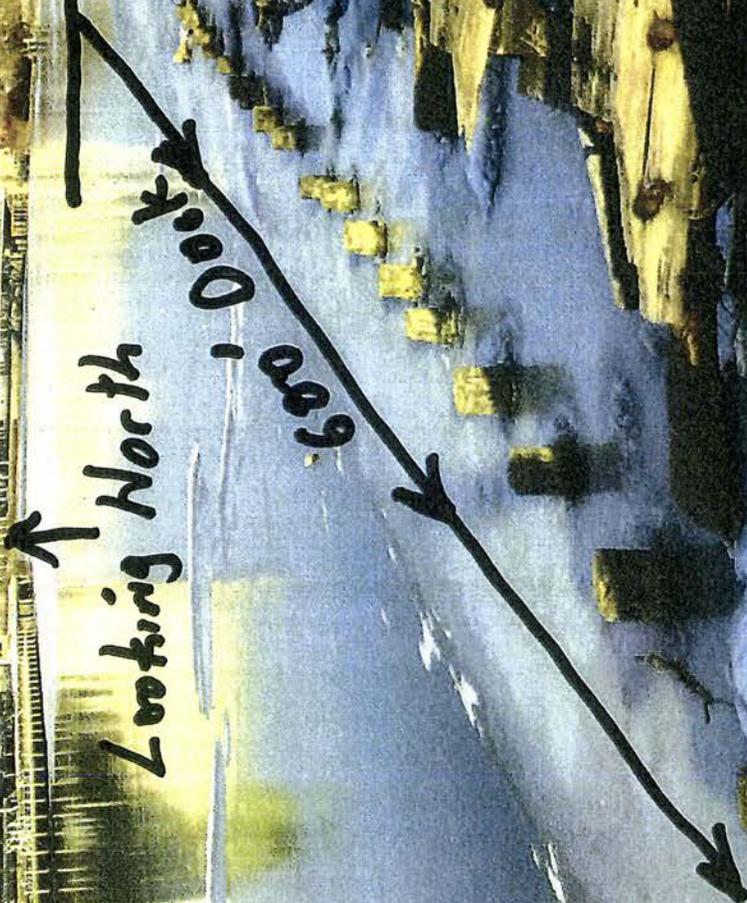


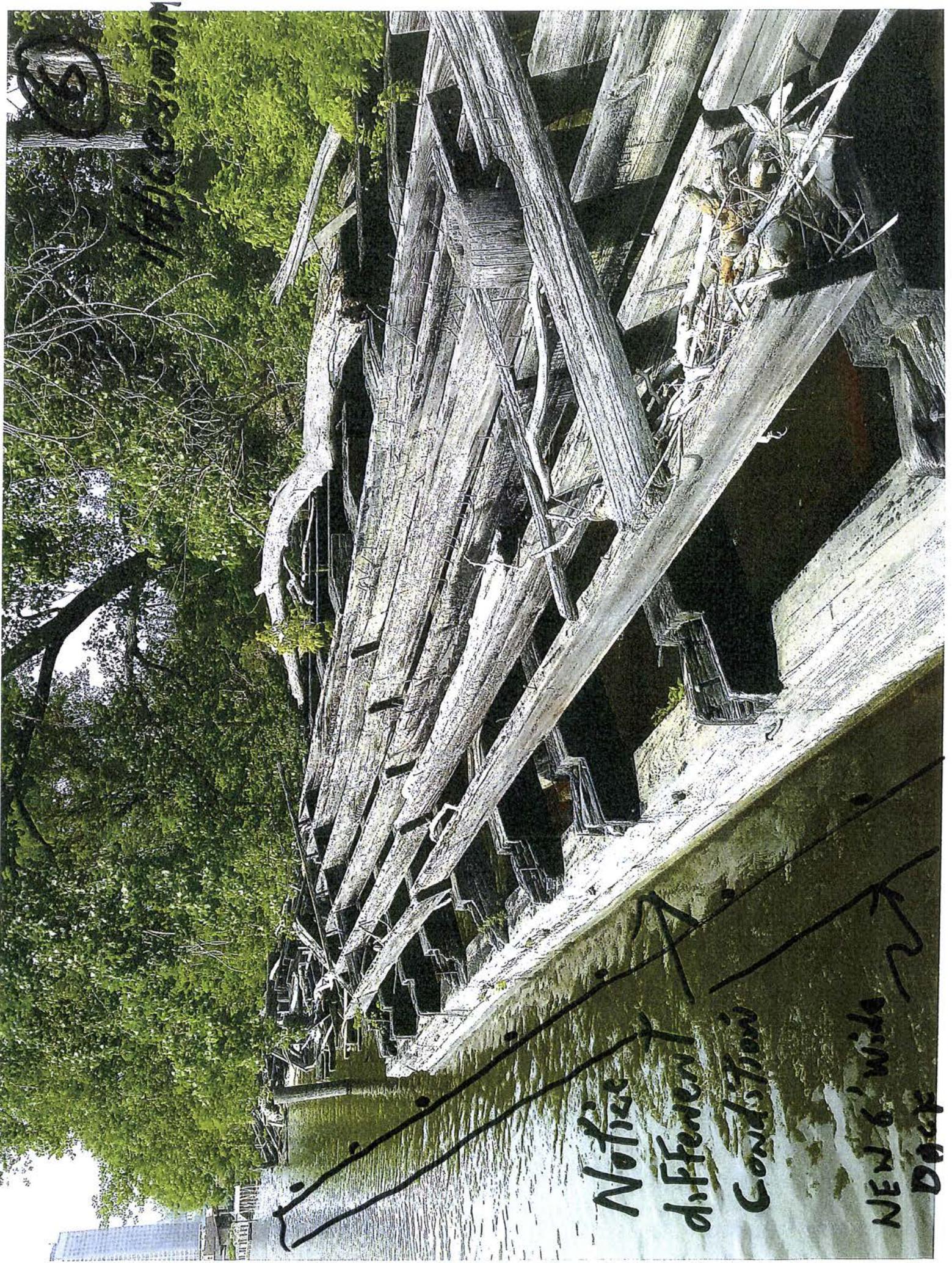
1/7/16 @ 8:10 AM

New building at
301 Ohio



Looking North
1,000 ft



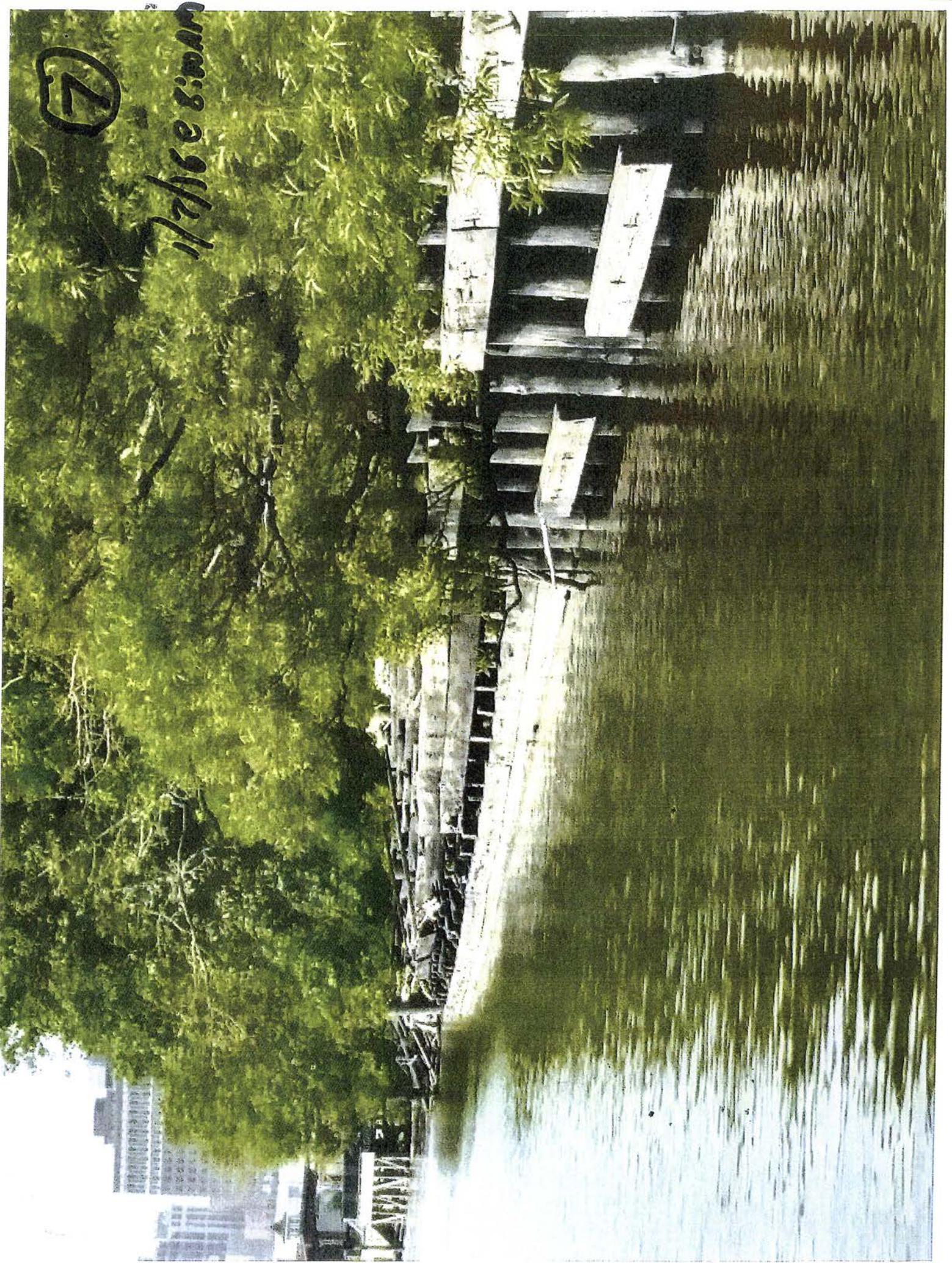


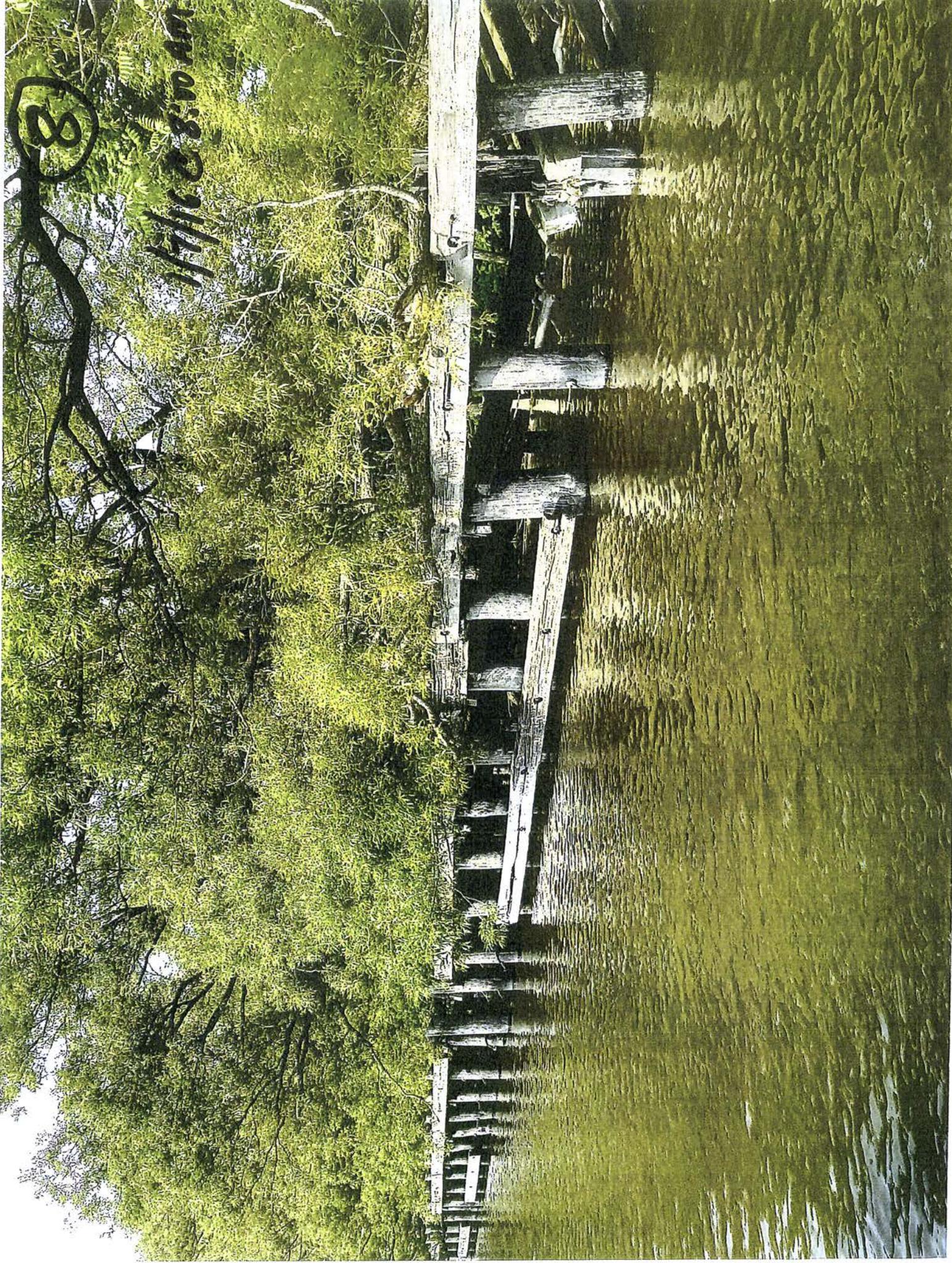
11/16/2017

Notice
different
Conditions
NEW 6' wide
Dock

7

1/2/68 8:00 AM





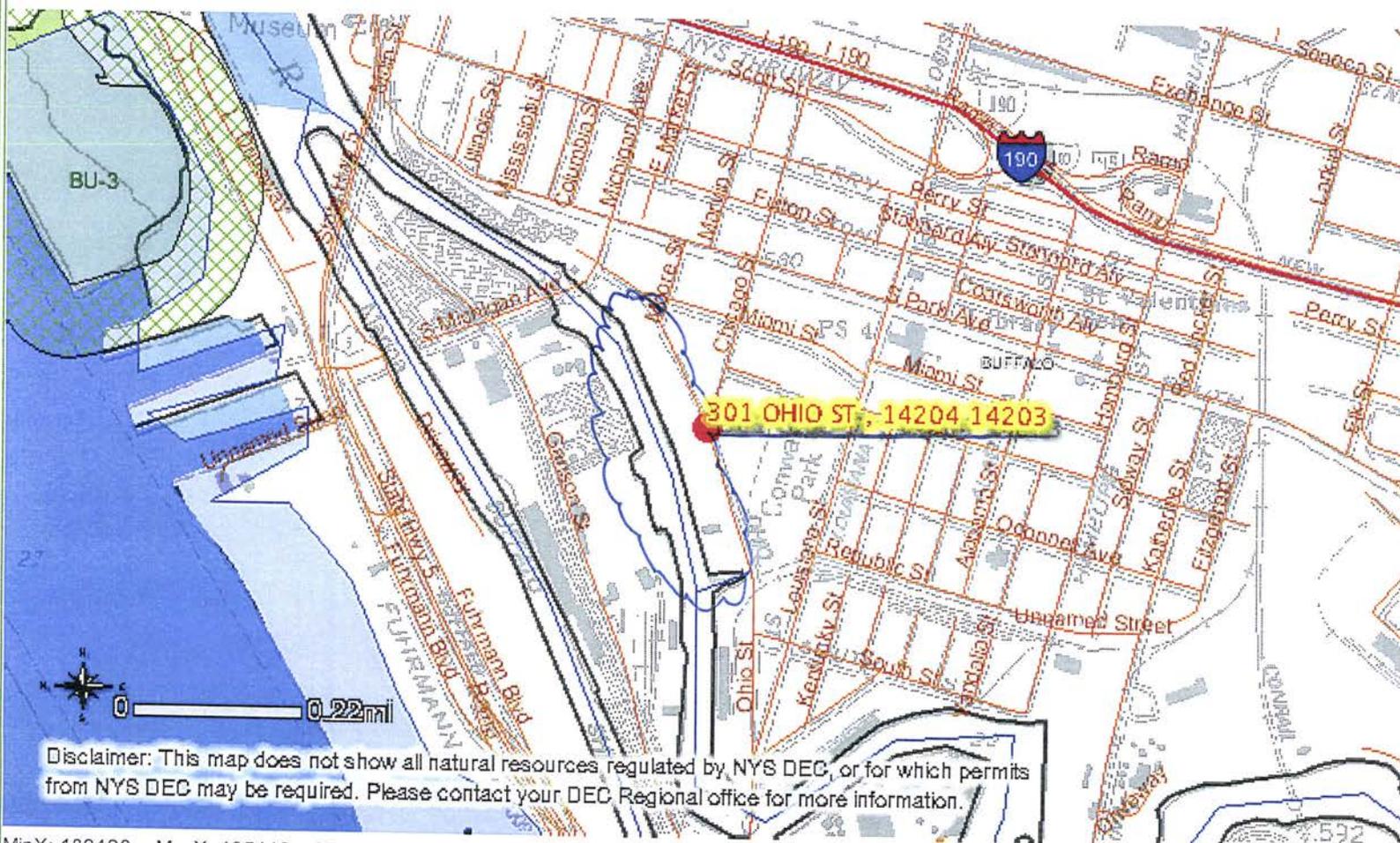
11/16 @ 8:30 AM

8

301 Ohio St.

Visible Layers

-  Classified Streams
-  Classified Ponds
-  State-Regulated Freshwater Wetlands
-  Wetland Checkzone
-  State-Regulated Freshwater Wetlands
-  Rare Plants and Rare Animals
-  Interstate Highways
-  Adirondack Park Boundary
-  Counties



MinX: 182480, MaxX: 185419, MinY: 4754208, MaxY: 4752889



1 FROM TOP OF CONCRETE DOCK AT RIVERFEST PARK LOOKING SOUTH DOWN PILING LINE

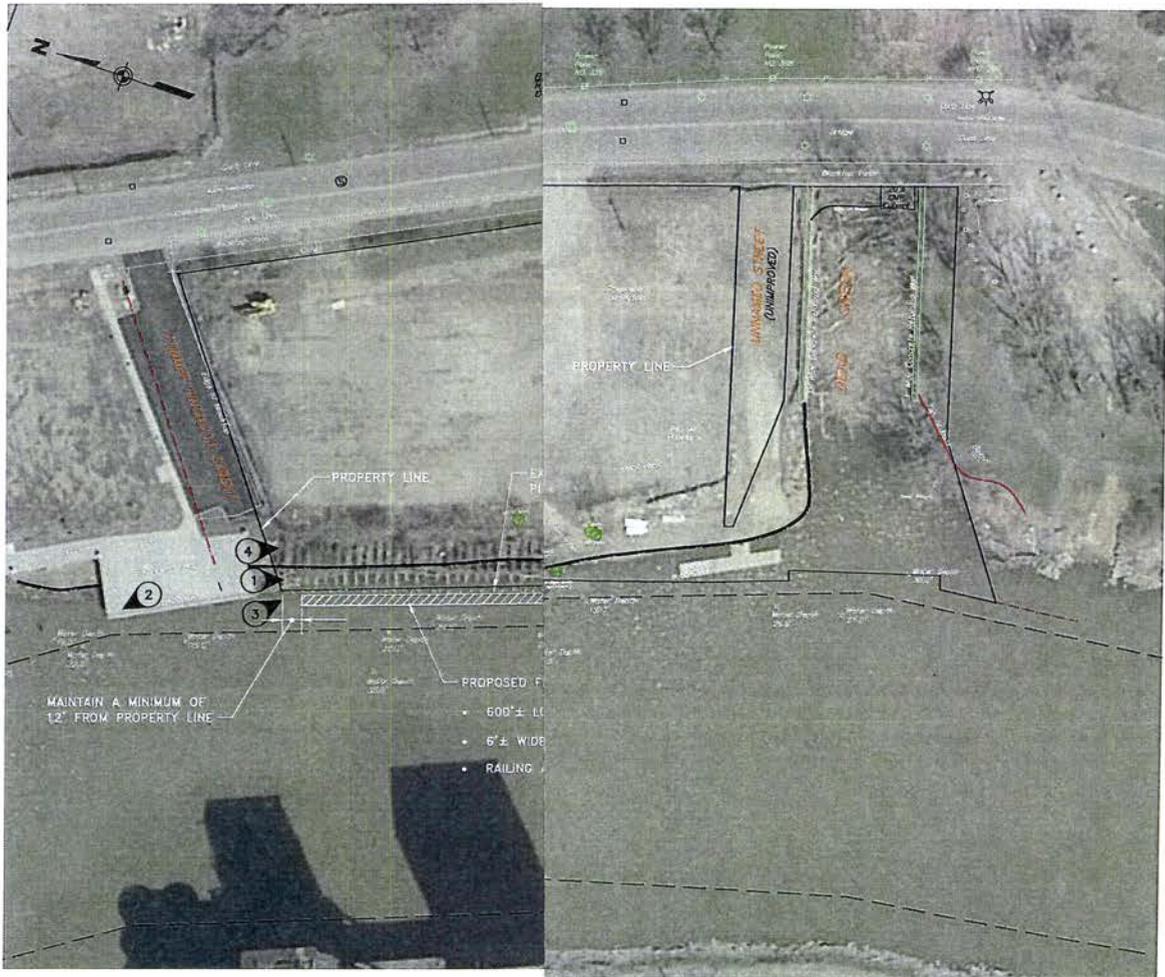
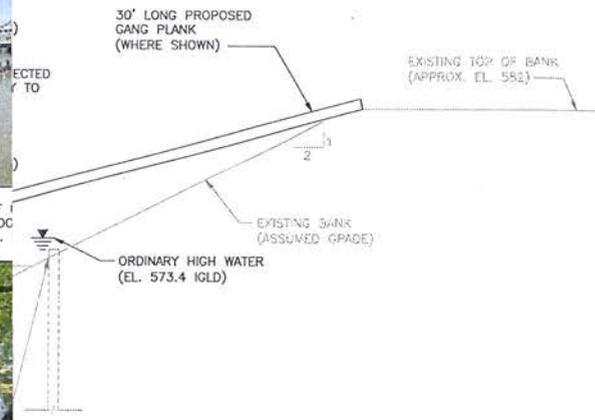


2 FROM TOP OF RIVERFEST PARK LOOKING SOUTH DOWN PILING LINE



3 FROM TOP OF PROPERTY LOOKING SOUTH DOWN PILING LINE

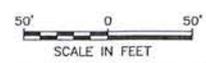
CROSS SECTION



LEG TO THE NORTH AMERICAN DATUM 1983 (NAD83),

1 APPROXIMATE LOCATION TITLED "BOUNDARY AND TOPOGRAPHIC SURVEY OF THE CITY OF BUFFALO, WEST ZONE 3103, NAD 83(2011)"

U.S. ARMY CORPS OF ENGINEERS, BUFFALO DIVISION SOUNDINGS 2013, SHEET REFERENCE COORDINATES PROVIDED WERE REFERENCED TO



J:\Projects\1177203\Deliverables\CAD\WORK 03-15-15-16.dwg 1:1 3/18/16-1 JUS

WARNING
THIS IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON OTHER THAN WHOSE SEAL APPEARS ON THIS DRAWING TO ALTER IN ANY WAY AN ITEM ON THIS DRAWING. IF AN ITEM IS ALTERED, THE ALTERING ENGINEER SHALL AFFIX HIS SEAL TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

NO.	MADE BY	APPROVED BY	DATE	DESCRIPTION

ENT CORP. PROPERTIES REFRONT PLAN		SITE PLAN	
Scale: AS SHOWN		Date: JANUARY 2016	G-001

U.S. ARMY CORPS OF ENGINEERS, BUFFALO DIVISION SOUNDINGS 2013, SHEET REFERENCE COORDINATES PROVIDED WERE REFERENCED TO



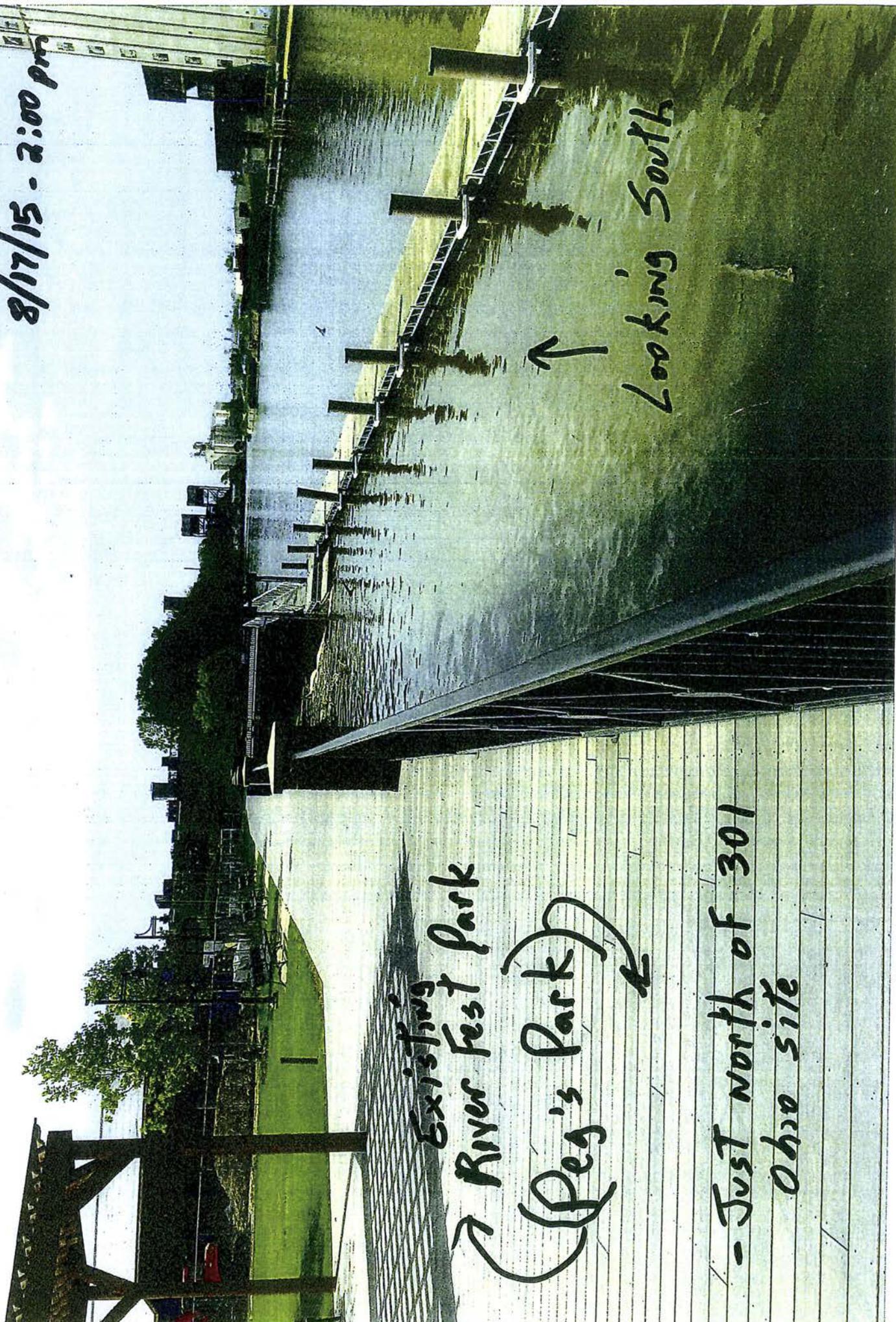


301 Ohio Street

Restaurant

①

8/17/15 - 2:00 pm



Existing River Fest Park
(Peg's Park)

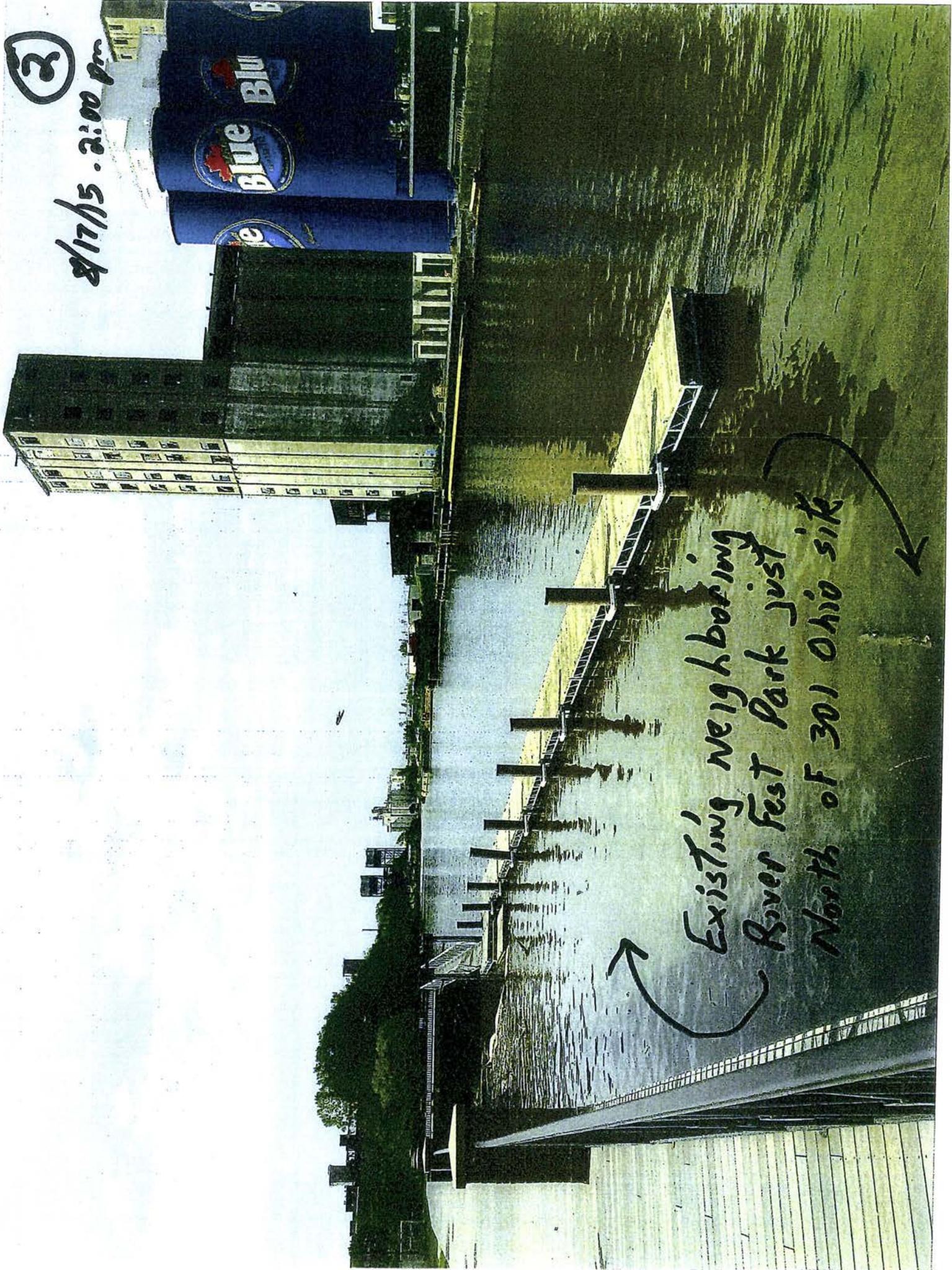
- Just north of 301
Ohio site



Looking South

2

8/17/15 . 2:00 pm



Existing neighboring
River Fest Park just
North of 301 Ohio side

8/17/15 - 2:00 pm (3)

Looking South



1/7/66 - 8:00 AM 4

Looking South



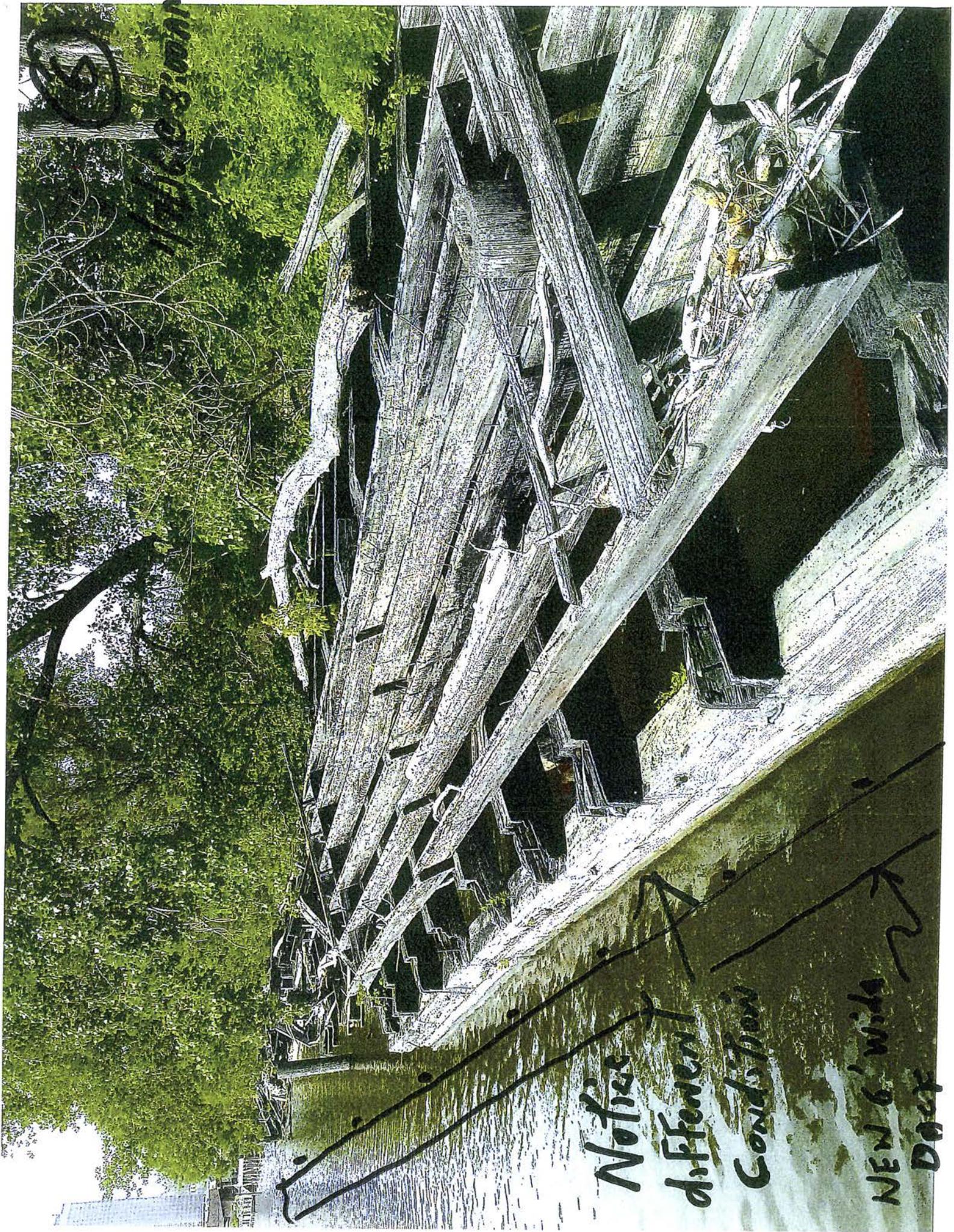
11/7/60 8:10 AM

New building at
301 Ohio



Looking North
9000 Oak





Notice

different

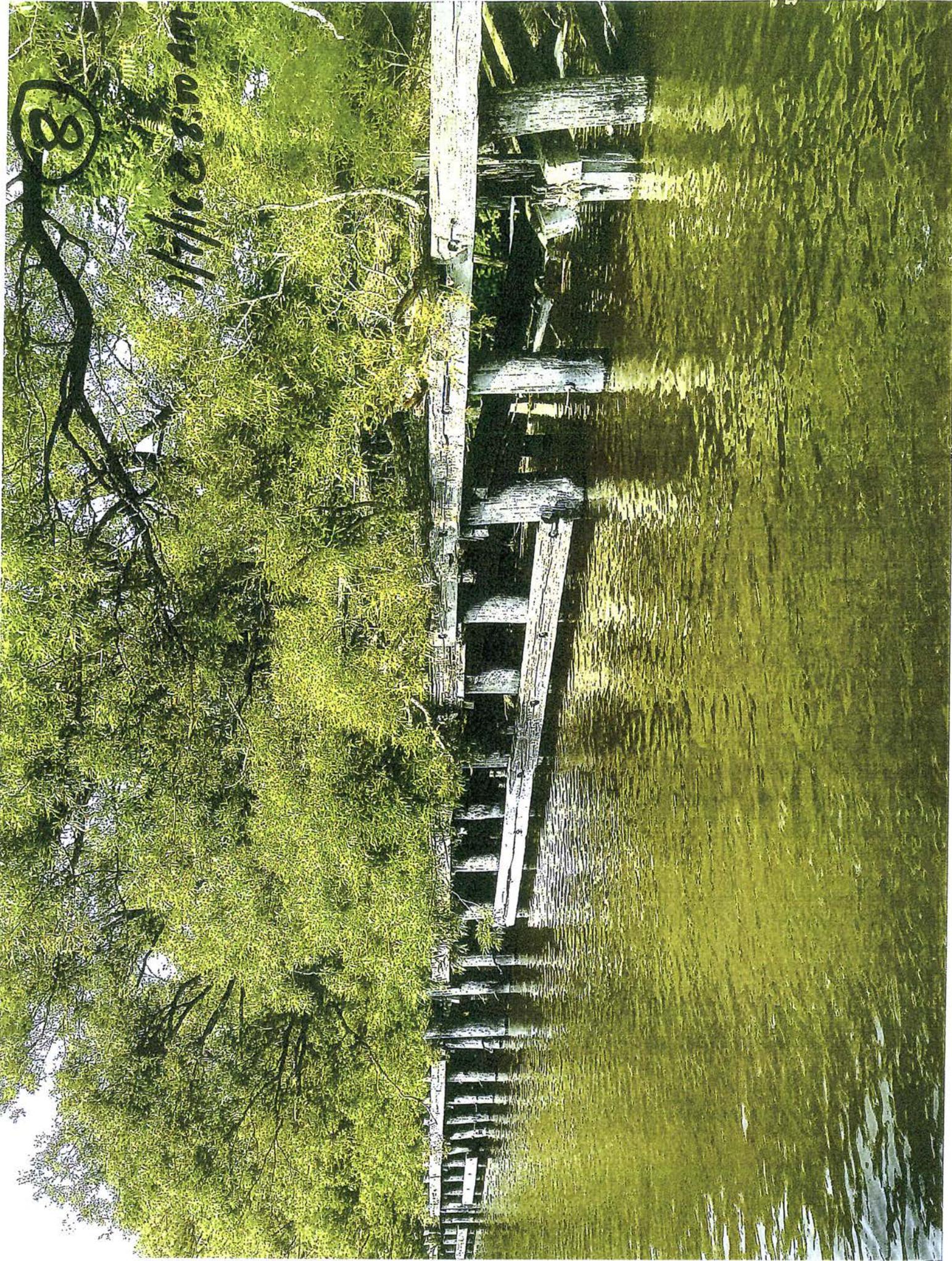
Condition

NEW 6' wide DOCK

⑦

17/16/81





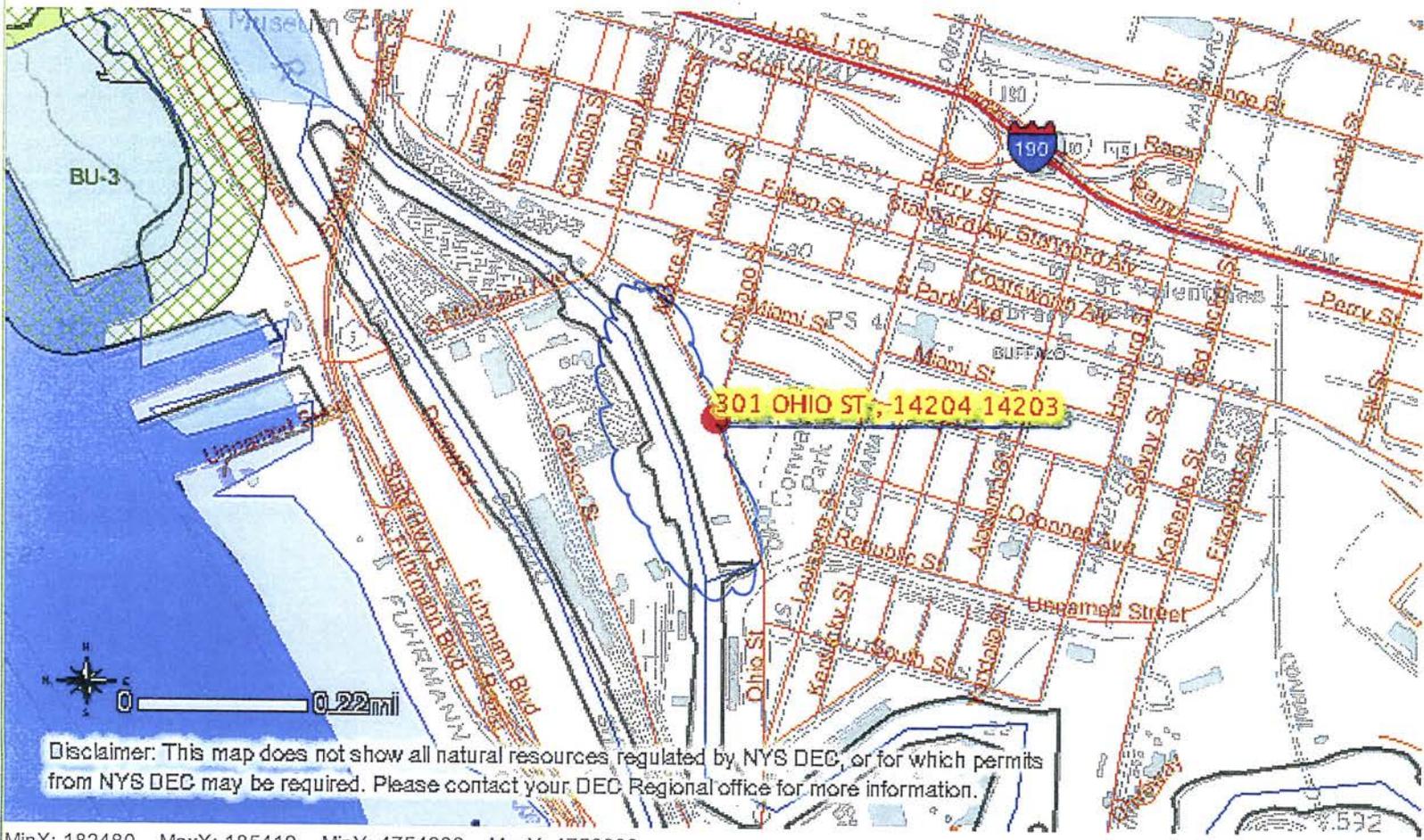
11/16 @ 8:30 AM

8

301 Ohio St.

Visible Layers

-  Classified Streams
-  Classified Ponds
-  State-Regulated Freshwater Wetlands
-  Wetland Checkzone
-  State-Regulated Freshwater Wetlands
-  Rare Plants and Rare Animals
-  Interstate Highways
-  Adirondack Park Boundary
-  Counties



Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

MinX: 182480, MaxX: 185419, MinY: 4754208, MaxY: 4752889

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Proposed Boat Dock		
Project Location (describe, and attach a general location map): 301 Ohio Street and eastern shore of Buffalo River		
Brief Description of Proposed Action (include purpose or need): Applicant proposes to install approximately thirty (30) new steel pipe piles along the eastern shoreline of the Buffalo River. These will replace a variety of old timber piles that are deteriorated to the point of being unusable. The proposed steel pipe piles will anchor a new floating dock, which will be six hundred (600) feet long and six (6) feet wide. One (1) six (6) foot wide by thirty (30) foot long gang plank will allow recreational boaters to access the owner's property at 301 Ohio Street. All proposed structures will be constructed outside the Federal Navigation Channel Shipping Limits		
Name of Applicant/Sponsor: 1093 Group, LLC		Telephone: (716) 854-0060
		E-Mail: kfitscher@ellicottdevelopment.com
Address: 295 Main Street, Suite 210		
City/PO: Buffalo	State: NY	Zip Code: 14203
Project Contact (if not same as sponsor; give name and title/role): Kirk Fitscher, Vice President, Construction		Telephone: (716) 854-0060
		E-Mail: kfitscher@ellicottdevelopment.com
Address: 295 Main Street, Suite 210		
City/PO: Buffalo	State: NY	Zip Code: 14203
Property Owner (if not same as sponsor): Same as sponsor		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEC; OGS; DOS	March 2016
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	US Army Corps of Engineers	March 2016
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):
 NYS Heritage Areas: West Erie Canal Corridor, Remediation Sites: V00734, Remediation Sites: C915287

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Currently zoned M-1, light industrial zone.

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? City of Buffalo

b. What police or other public protection forces serve the project site?
City of Buffalo

c. Which fire protection and emergency medical services serve the project site?
City of Buffalo

d. What parks serve the project site?
Conway Park (.5 mile), Riverfest Park (.1 mile)

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Recreational

b. a. Total acreage of the site of the proposed action? <0.1 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 6.839 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: 12 months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____



f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,
 i. Total number of structures _____ 1
 ii. Dimensions (in feet) of largest proposed structure: _____ 2 height; _____ 6 width; and _____ 600 length
 iii. Approximate extent of building space to be heated or cooled: _____ 0 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,
 i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:
 i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): The proposed action would affect the Buffalo River, though it would occur outside the boundaries of the Federal Navigation Channel.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
 The proposed action would involve the installation of approximately thirty steel pipe piles (in place of deteriorated timber piles). The new piles would anchor a proposed 6' wide, 600' long (3,600 sq. ft.) floating dock on the eastern shoreline of the Buffalo River. One 6' wide, 30' long gang plank would provide access to land and structures at 301 Ohio Street.

- iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: Typical disturbance caused by installation of steel piles _____
- iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:
 • acres of aquatic vegetation proposed to be removed: _____
 • expected acreage of aquatic vegetation remaining after project completion: _____
 • purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
 • proposed method of plant removal: _____
 • if chemical/herbicide treatment will be used, specify product(s): _____
- v. Describe any proposed reclamation/mitigation following disturbance: _____

- c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:
 i. Total anticipated water usage/demand per day: _____ gallons/day
 ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:
 • Name of district or service area: _____
 • Does the existing public water supply have capacity to serve the proposal? Yes No
 • Is the project site in the existing district? Yes No
 • Is expansion of the district needed? Yes No
 • Do existing lines serve the project site? Yes No
 iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____
 • Source(s) of supply for the district: _____
 iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • Proposed source(s) of supply for new district: _____
 v. If a public water supply will not be used, describe plans to provide water supply for the project: _____
 vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

- d. Will the proposed action generate liquid wastes? Yes No
 If Yes:
 i. Total anticipated liquid waste generation per day: _____ gallons/day
 ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

- iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:
 • Name of wastewater treatment plant to be used: _____
 • Name of district: _____
 • Does the existing wastewater treatment plant have capacity to serve the project? Yes No
 • Is the project site in the existing district? Yes No
 • Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____
 ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____ 6:30am - 3:30pm
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____ TBD
 • Saturday: _____ " "
 • Sunday: _____ " "
 • Holidays: _____ " "

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): Community Facilities (Public parkland)
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.1	1.1	0
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	+/- 0.1	+/- 0.1	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>LAWN/LANDSCAPE</u>	0.4	0.4	0

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): V00734, C915287
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): C915285, V00734, C915287, C915257
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

Site was accepted into the NYSDEC Brownfield Cleanup Program. NYSDEC issued Decision Document on December 9, 2015 accepting Remedial Investigation/Alternative Analysis Report (RI/AAR).

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ <35 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Ud - Urban Land _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ 10 feet

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Describe the habitat/community (composition, function, and basis for designation): _____ _____	
ii. Source(s) of description or evaluation: _____	
iii. Extent of community/habitat:	
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
American beetle	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ No impact	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature	
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. CEA name: _____	
ii. Basis for designation: _____	
iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: <u>E & B Holmes Machinery Company Building</u>	
<i>iii.</i> Brief description of attributes on which listing is based:	
<u>The project site is contiguous to, but does not contain, the above listed building.</u>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Lake Erie and Buffalo River watershed, Tiff Farm Nature Preserve</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Local parklands and state fishing access points on the Buffalo River</u>	
<i>iii.</i> Distance between project and resource: _____ <u>0</u> miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

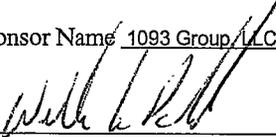
Attach any additional information which may be needed to clarify your project.

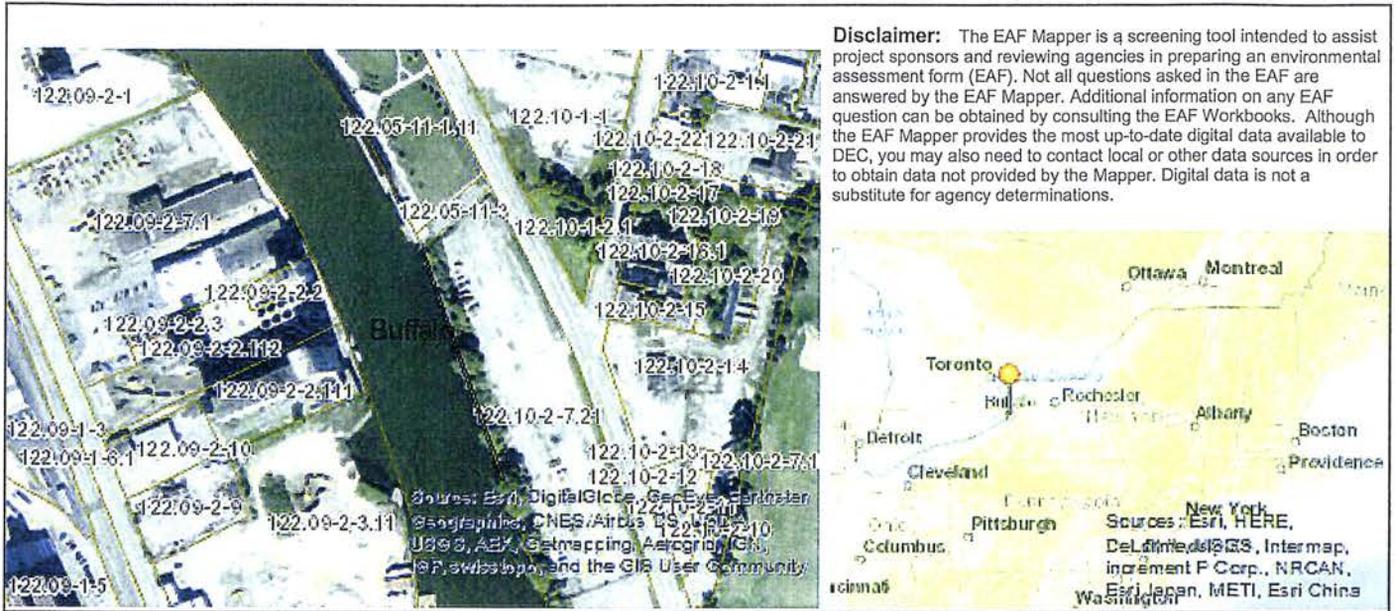
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name 1093 Group LLC Date 3/18/2016

Signature  Title _____



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: West Erie Canal Corridor, Remedation Sites: V00734, Remedation Sites: C915287
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	V00734, C915287
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C915285, V00734, C915287, C915257
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes

E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - E & B Holmes Machinery Company Building Name]	
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No