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May 19, 2016

Hon. James Morrell
Chairman
City of Buffalo Planning Board
901 City Hall,
Buffalo, NY 14202

Re: SEQRA Comments re Queen City Landing Proposal

Dear Chairman Morrell:

Having reviewed the submissions regarding the proposed Queen City Landing development at 975 and 1005 Fuhrmann Blvd. in the City of Buffalo, and understanding that a public comment period has commenced pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), I write today to convey my formal comment on this matter.

I generally support the redevelopment of this site, including generally the extent and the types of residential and retail uses proposed in the developer's April 15 and May 3 submissions to the Planning Board. Having said that, I encourage the developer and the municipal authorities to pursue refinements and enhancements to this proposal, including and especially public access enhancements, which would serve the public interest.

Context

In the 1980s, development agencies of the city of Buffalo and their private partners built out Waterfront Village between the Erie Basin and Interstate 190 along a portion of Buffalo's downtown waterfront. This development fenced off public access to the water's edge and relegated the public access to an asphalt path along railroad tracks, away from the water. The mistakes of that initiative informed a generation of thinking about waterfront development wherein private development and public access were a zero-sum-game, the two uses were diametrically opposed and one gained only as the other lost.

The current model of waterfront development in Buffalo has shown that this need not be the case; Public access and private development can enhance and support one another. The Buffalo River Landing development currently under construction on Ohio Street is made more attractive to

prospective tenants by the generous public access which has been developed all along the Ohio Street corridor, while the tenant base will help provide a user base for the multi-use trail and park spaces along Ohio Street so that they will not appear desolate to other prospective users. When thoughtfully balanced, private development and public access on the waterfront can be helpful to one another; this is true along the Buffalo River and it can be true on the Outer Harbor.

In the context of the Erie Canal Harbor Development Corporation's 2014-15 land use planning exercise for the Outer Harbor, I and others argued against the agency's proposal for 1,500 new units of housing and other dense development (including a new "cultural district") along portions of the Outer Harbor, suggesting instead that housing and other mixed-use private development should be allowed at the southern end of the NFTA property, in the vicinity of Terminals A and B and on adjacent privately-owned property. The idea is that relatively dense development should be limited to that portion of the Outer Harbor where there is ready access to the rest of the city via Ohio Street, where there is a long history of active and intensive urban development, and where the requisite utility infrastructure is largely already in place. The mixed-use development of the Freezer Queen property is wholly consistent with that notion.

Proposed Refinements and Enhancements

Unlike the Waterfront Village development of the 1980's or the various failed proposals for dense residential on the 120 Outer Harbor acres formerly controlled by the Niagara Frontier Transportation Authority, the property proposed to be developed here, including adjacent submerged lands to the north and south, are privately held. This does not mean that governmental actors have no say in the final outcome of this development, but it does mean that fewer levers of control are available to governmental actors who would seek to influence the outcome of this proposal. With that in mind, I encourage the developer and the municipal authorities to refine and enhance this proposal in the following ways.

1) Enhanced public access

The developers have proposed connecting to the existing multi-use trail along Fuhrmann Boulevard at two different points, and creating a new loop around their proposed new buildings. Further, they have proposed slips for itinerant boaters seeking to access the two restaurants which they intend to build. The details of this walkway will be very important in determining the extent to which it is successful. The trail should be well-lit with and have high-quality finishes. Further, the public access trail could be dramatically enhanced by extending it out to the western end of the parcel, toward the main body of the Outer Harbor. While the general public would benefit from this proposed extension, the principal beneficiaries would be the tenants and other users of this facility themselves.

2) Location of the parking garage

The existing proposal positions the proposed parking garage parallel to and along the water's edge. According to the submission, this facility would be 277 feet long and about 30 feet from the property's southern embayment. This is not the highest and best use of valuable waterfront property. I understand that in order to be functional, the garage must be adjacent to the apartment building, but it needn't hug the water in this way. Because the embayment on the North side of the property does not reach as far east as the southern embayment, positioning the parking structure on

the north side of the apartment building would eliminate the negative impacts associated with putting a parking garage along the water's edge.

3) Height

Commenters have raised concerns that the proposed height of the development is out of character with the context here. I understand that, and I also understand the argument that the developers make regarding how the higher rents which the higher floors would command make the whole project more viable than it otherwise might be. While the proposed revisions of city-wide zoning ordinances include height restrictions in this area, those revisions are not yet adopted, and as such it is not clear to me what leverage exists to legitimately restrict the proposed height of this structure. I encourage the developer and the municipal authorities to work together to determine if it is possible to substantially address the concerns raised about the height of the structure without debasing the financial underpinning of the project.

I thank you very much for your leadership and your consideration in this matter. To the extent that disagreements or concerns about the type and extent of development along Buffalo's waterfront are "problems", they are good problems to have. They are further signs that the considerable investments which have been made in cleaning up and making the waterfront accessible have been worth the effort.

Sincerely,

A handwritten signature in black ink that reads "Brian Higgins". The signature is written in a cursive, slightly slanted style with a horizontal line at the end.

Brian Higgins
Member of Congress