



## Parks, Recreation and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

December 19, 2016

Ms. Nadine Marrero  
Director of Planning City of Buffalo  
65 Niagara Square/City Hall  
Buffalo, NY 14202  
*(via email only)*

Re: SEQRA  
Affinity Elmwood Gateway - 12 Demolitions and Development  
1111 Elmwood Avenue (vic.), Buffalo, Erie County  
16PR06500

Dear Ms. Marrero:

I am writing to follow up our Agency's letter of October 21 regarding the ongoing SEQRA review of this action. I have now had an opportunity to assess the Draft Environmental Impact Statement that was accepted on November 17 by the city acting as the Lead Agency for this action. I am offering the following comments as an interested agency in this review.

First, let me restate that the project is located within the boundary of the Elmwood (East) Historic District and is substantially contiguous to the Elmwood (West) Historic District. Both areas are listed in the New York State and National Registers of Historic Places.

Regarding these historic districts, our office cannot agree with the statement found in the DEIS, which states: *"Although 12 buildings on the Site are listed as "contributing" to the historic district, none are reported to be associated with a significant historical or cultural event, architect or person or possess unique or innovative architectural features or elements"*. (DEIS, pg. 6)

As defined by the National Park Service: *"A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties."* (NPS Bulletin 15, Pg. 5) The involved historic districts derive their primary significance from being highly intact *collections* of interrelated buildings not as individually resources. As such, these resources cannot be evaluated individually or in isolation.

Next, the location of this activity within and adjacent to National Register properties is a Type I action under SEQRA and should require a more thorough analysis of potential impacts to these resources. While SEQRA does not establish specific types of impacts to historic properties we generally base our substantive comments on the guidance provided by Section 14.09 of New York State Parks, Recreation and Historic Preservation Law and its associated regulations (9 NYCRR Part 428).

Impacts that may adversely affect historic resources are defined generally by these regulations as those that 1) destroy or alter all or part of a historic resource, 2) isolate or alter a history property's environment, or 3) introduce visual, audible or atmospheric elements which are out of character with the historic property or alter its setting.(9 NYCRR Part 428.7(a))

Using these regulations as guidance the demolition of 12 contributing buildings in the National Register district will adversely impact the district. Furthermore, the monumental scale of the new complex will dwarf the surrounding areas, which are composed primarily of two and three-story residential and commercial buildings. The project eliminates the rhythm of the existing streetscape and introduces new construction that will impose, in our opinion, visual impacts that will clearly and demonstrably alter the setting and environment of both Elmwood historic districts.

The DEIS notes that the demolition of the historic buildings and their replacement with the new mixed use development will "*improve the visual environment*" of the area. Our office would disagree with this statement. We found that the height and quasi-super block nature of the new construction significantly and negatively alters the character of the surrounding historic districts.

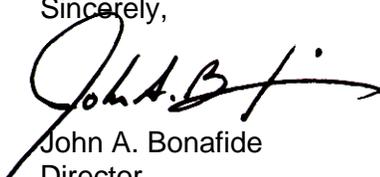
A review of Section 2.3 (Historic, Archaeological and Cultural Resources) of the DEIS does not appear to provide a prerequisite "hard look" at the actual impacts to affected historic resources. For the reasons previously noted, our office cannot agree with the analysis in this section that states: "*In any event the Project is expected to enhance the appearance of the existing deteriorating buildings at the corner of Elmwood and Forest Avenues, and therefore result in a beneficial impact to the surrounding land uses and character of the area.*" (DEIS, pg. 34)

The analysis found in section 2.4 of the DEIS would also appear to support the potential impacts that the project may have. The tables presented in this section note the tallest height of the surrounding buildings to be two and one-half stories with a maximum individual size (commercial property) of 12,510 square feet. (DEIS, Tables 5, 6 & 7) This is in marked contrast to the proposed five-story, 166,000 square foot building to be placed in this neighborhood.

We believe that our agency's comments are consistent with those of the Lead Agency's Positive Declaration. In that document the city's Office of Strategic Planning noted that this action has the potential to "*result in substantial impact on the neighborhood character.*" We agree that in scale, design and visual qualities the proposed new development will have negative impacts on the surrounding historic resources.

Our office appreciates the opportunity to provide comments on this action to the SEQRA Lead Agency. If additional information is needed or if I can be of any further assistance please do not hesitate to contact me at (518) 268-2166 or [john.bonafide@parks.ny.gov](mailto:john.bonafide@parks.ny.gov).

Sincerely,



John A. Bonafide  
Director,  
Technical Preservation Services Bureau  
Agency Historic Preservation Officer