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**DGEIS COMMENTS – MARCH 15, 2016 PUBLIC HEARING:**

Dear Common Council Members,

***IT IS TIME FOR THE “LEAD AGENCY” TO ASSERT ITS LEADERSHIP***

You have been handed a near-impossible task by the Mayor’s Office of Strategic Planning, Five-and-a-half years after Mayor Byron Brown announced the “kick-off” of a “Land Use Plan project” he claimed would revolutionize Buffalo’s zoning and development process, it is now your responsibility – and let me emphasize, **your** responsibility – as “lead agency” under the State Environmental Quality Review Act [SEQRA] to thoroughly, objectively, and intelligently assess the potential environmental impacts of the proposed “Unified Development Ordinance” [UDO], misleadingly referred to as “Buffalo’s Green Code.”

The task in front of you has been made nearly impossible as a result of the wholly inadequate Draft Generic Environmental Impact Statement [DGEIS] prepared – not by you, the SEQRA **lead agency** – but by the Office of Strategic Planning and its consultants. This “**generic**” impact statement is so general, so bereft of meaningful analysis, that it deprives you AND the public of the ability to assess the changes and potential adverse impacts that may occur in a specific neighborhood, on a particular block, and adjacent to an individual family’s home if the proposed Unified Development Ordinance were to be adopted.

Let me share three examples – out of hundreds – where the DGEIS fails to perform its function, that is, fails to assist the lead agency and the public in making an informed decision on whether or not the so-called Green Code should be adopted, and where and how mitigation measures are needed:

Example No. 1, the DGEIS lacks the assessment and information needed to assist the Common Council and the public to determine which neighborhoods would experience a substantial change in character under the proposed UDO, or to measure the adverse impacts of such change. It is wholly inadequate to simply state, as expressed in the DGEIS, “**The land use maps and zoning analysis discussed ... above, demonstrate that the BCDF will not radically change the community character in most areas of the City.**”<sup>1</sup> As a resident and taxpayer, I need to know, and, more importantly, as the elected legislative body of the City of Buffalo, this honorable body needs to know, not only which areas of this city would experience “radical change” under the current proposal, but also, who would benefit from such significant transition, and what mitigation measures are available to protect residents from the adverse impacts of such change.

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<sup>1</sup> See DGEIS p. 74.

Example No. 2, the DGEIS fails to provide a substantive explanation why the UDO places emphasis on “*building types*” or “*forms*” as opposed to zoning’s traditional emphasis on “*uses*.” The public and this Common Council deserves to know the purported benefits – and disadvantages - of such an approach to land use and zoning given the fact that in many instances, and in particular when non-residential uses are allowed adjacent to or in close proximity to residential uses, it is the use, rather than the building’s form, that will most influence the residents’ peaceful enjoyment of his or her property.

Example No. 3, despite the promise in the SEQRA Scoping Document that, “*the DGEIS will evaluate if adoption and implementation of the [UDO] will have adverse impacts to low-income populations,*” the DGEIS fails to address a paramount legal and moral issue confronting this city: the extent to which Mayor Brown’s vision for Buffalo – manifested in the “Green Code” – will result in the displacement of low-income, primarily African-American residents from their neighborhoods. Common Council Members, and, in particular, Council President Pridgen, must take notice that the DGEIS does not contain the necessary information to answer questions, such as: *Will the zoning districts and 4- and 5-story mixed-use buildings envisioned for High Street in the vicinity of the Buffalo Niagara Medical Campus displace many of the current Fruit Belt residents? Will the endless list of non-residential uses allowed within the proposed “Residential Campus” districts hasten the sale and demolition of McCarley Gardens?*

And, the monumental task before the Common Council is not only handicapped by the information and analysis excluded from the DGEIS. This honorable body must deal with the inscrutable nature of the assertions found in the DGEIS.

For example, the DGEIS, noting that the 2010 US Census places Buffalo’s population at **261,310**, claims that, “under implementation of the UDO, the population limits could increase over current levels, *with a projected target of 295,000 residents*” - an approximately 14% increase over the current population. According to the DGEIS’ build-out analysis, the current zoning code – which the Mayor wishes to throw out – would support “15,397 new residential units, [and] allow up to 33,873 new residents in the City.” That increase would raise Buffalo’s population to almost exactly the projected target of 295,000.

In contrast, the DGEIS build-out analysis determined that the proposed UDO “would significantly increase the amount of land available for as-of-right development,” and, if full build-out were to be realized, would add *156,979 new residential units* – which translates to an additional 345,000 new residents in a City that presently has only 261,310. Obviously, something is desperately out of control here.

As a resident of this City, I respectfully ask the Common Council to assume its rightful leadership role – as Buffalo’s legislative body and as “lead agency” for the environmental review mandated by SEQRA – and assume full responsibility for the “Green Code” process. It is time to break the massive UDO proposal into manageable pieces – for the sake of both this council and the public. I strongly recommend that you separate the admirable aspects of the UDO – such as tree conservation, landscaping, storm-water management, bicycle access, and signs – from zoning and land use issues. Move forward with adoption of the non-controversial parts, and take a fresh look at what is best for Buffalo’s most valuable commodity – its existing residents.