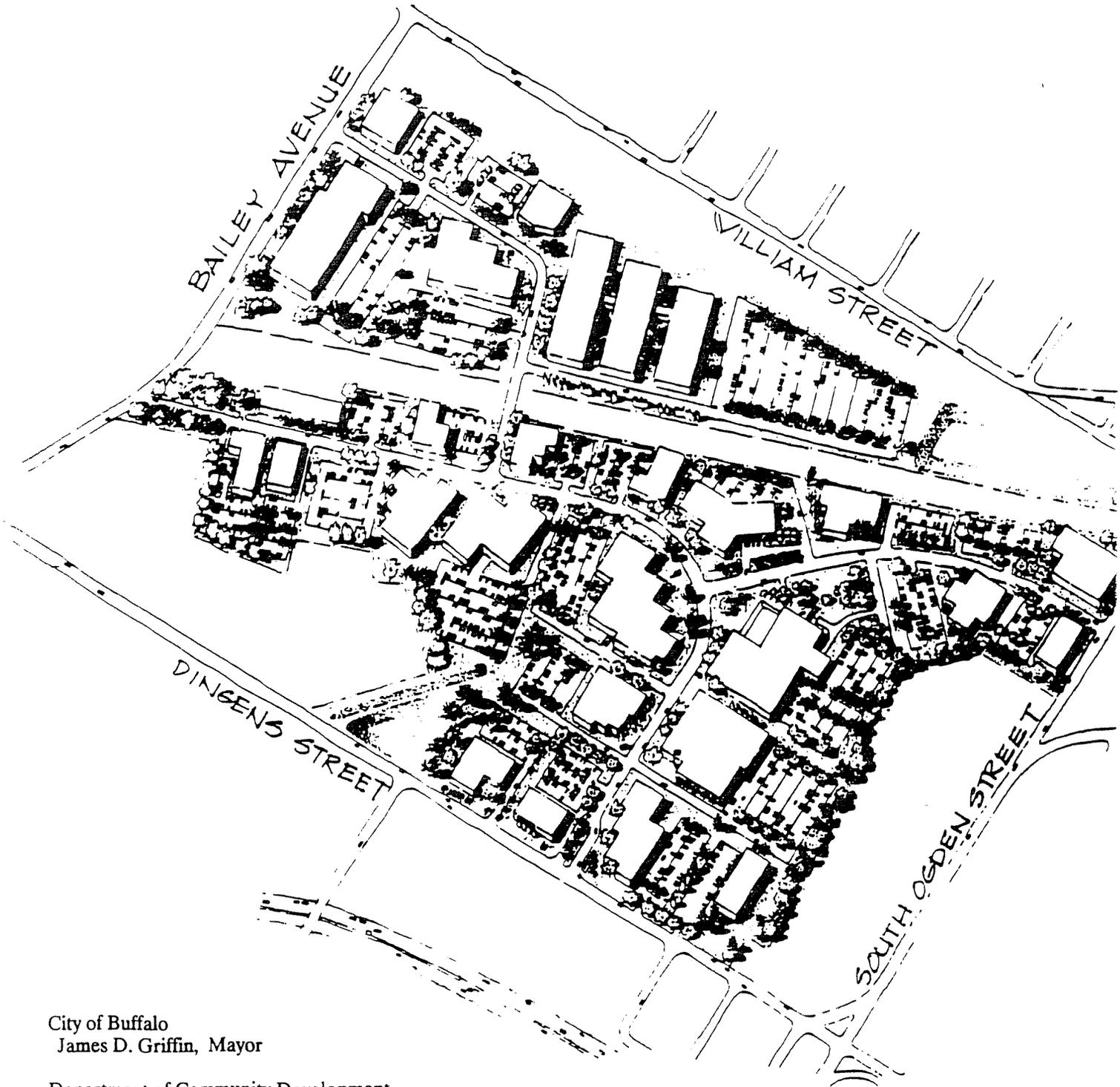


# NEW BUFFALO INDUSTRIAL PARK

## Urban Renewal Plan



City of Buffalo  
James D. Griffin, Mayor

Department of Community Development  
Samuel F. Iraci, Jr., Commissioner  
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NEW BUFFALO INDUSTRIAL PARK

URBAN RENEWAL PLAN

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SECTION I

INTRODUCTION &  
PROJECT DESCRIPTION

# NEW BUFFALO INDUSTRIAL PARK

## URBAN RENEWAL PLAN SECTION I

### A. INTRODUCTION

The New Buffalo Industrial Park Urban Renewal Plan will serve as the legal and administrative vehicle for the implementation of the New Buffalo Industrial Park Master Plan, developed jointly by the Erie County Industrial Development Agency and the Buffalo Department of Community Development.

Authorization for the preparation of this Urban Renewal Plan was granted by the Common Council of the City of Buffalo on November 10, 1981, CCP#124.

The project has been adopted as a major element of the Buffalo and Erie County Overall Economic Development Program, and will be cooperatively implemented by the County of Erie, the Buffalo Area Chamber of Commerce, the E.C.I.D.A. and the City of Buffalo. The Buffalo Urban Renewal Agency will assume lead agency responsibility for the coordination of the site assembly and public improvement components of the project.

The New Buffalo Industrial Park Program is a comprehensive strategy to reindustrialize major portions of the abandoned and underutilized railroad yards of the Buffalo East Side Community by the development of a high quality, competitive industrial park. The project has been designed in response to documented local market demand for industrial park land. The following points summarize the economic need and planning background for this project:

- \* Despite the continuing decline in heavy manufacturing in Erie County, the area enjoys a rapidly growing sector of small manufacturing and service firms. This growth segment of the local economy has created a strong demand for industrial park land. During the last seven years, the area has consistently experienced an absorption rate of 100 acres of industrial park land per year.
- \* As a result of the critical shortage of competitive In-City sites, 37% of the area's industrial park absorption has taken place in suburban parks, seriously eroding the City's tax and employment base. The City currently has an inventory of less than 15 acres of industrial land immediately available for development, only 5 acres of which are within industrial park facilities. This shortage of competitive City sites has created a serious imbalance in the local industrial marketplace.
- \* In addition to the significant erosion in the City's tax base caused by the decline of heavy manufacturing, the collapse of the railroad industry in the Northeast has severely impacted the City. Buffalo began the decade of the 1970's with over 8% of its entire land area under railroad ownership. By 1984, nearly 1,000 acres of City rail land, largely concentrated on the East Side, will have been abandoned. The

availability of this land resource represents a significant industrial development opportunity.

\* Analysis of the market indicates the City could capture 25-30% of the County industrial growth with the addition of a modern and competitive park to our inventory.

B. PROJECT DESCRIPTION

The New Buffalo Industrial Park will transform a 135 acre tract of largely vacant City rail property into a major class industrial park. As a locational resource for industrial growth, the project will play a significant role in restoring the City's eroded tax and job base. The project is intended to redevelop a major section of Buffalo's abandoned railyards and remove junkyards and related blight from the area. The following summarizes the project characteristics:

- o Location: The project site is located within the area generally bounded by Dingens Street on the south, William Street on the north, Bailey Avenue on the west and South Ogden Street on the east. The South Ogden Street Interchange of the N.Y.S. Thruway is within 500 feet of the project area.
- o Size: The project will involve the acquisition of 134.3 acres contained in 15 parcels, with over half of the site to be obtained from various railroads. Upon construction of

roads and detention basins, a 118 acre rectangular site will be created.

- o Current Conditions: The site is currently a disorganized mixture of elevated railroad embankments, triangular fields, junkyards, gravel mounds, dirt roads, irregular and interior lots, and deteriorating and out-of-service railroad bridges. The site is currently zoned industrial and is well separated from residential areas. In accordance with the provisions of Section 504 of the Municipal Law, the area was designated as a substandard, insanitary area appropriate for urban renewal treatment by the Common Council on November 10, 1981, CCP=124.
- o Proposed Layout: The New Buffalo Industrial Park will be bisected by 1.25 miles of three lane, well lit, curvilinear roads providing direct access to 26 parcels ranging in size from 1 to 20 acres. Sites will be serviced by new utilities connected to City water and sewer systems. Peak storm runoff will be controlled by two landscaped detention basins covering 4.5 acres in two corners of the site. Landscaping will highlight all four Park entrances, and provide visual buffer to adjacent uses on rear lot lines.

- o Design Quality: This urban renewal plan provides high standards of design quality to insure a successful marketing effort. The project design standards are more rigorous than previous City projects and will establish a level of quality that will produce a first class industrial environment.
- o Park Tenants: The New Buffalo Industrial Park has been designed to attract primarily small, high growth light manufacturing, service, and distribution firms expanding from a base within the City of Buffalo. The project will also be highly visible in the Buffalo Area Chamber of Commerce's marketing efforts to Canadian, U. S., and overseas firms seeking an in-City location. The flexible parcel plan will also accommodate future expansion of adjacent firms.

SECTION II

PROJECT AREA REPORT

## II. PROJECT AREA REPORT

State General Municipal Law requires an urban renewal plan to be submitted to local legislative body prior to engaging in Urban Renewal Activities. Section 502.7 of the Urban Renewal Law states in part "Such urban renewal plan shall include, but shall not be limited to: a statement of proposed land uses; proposed acquisition of air rights and concomitant easements or land uses; proposed acquisition easements or other rights of user necessary for the use and development of such air rights".

This document fulfills the requirements for an Urban Renewal Plan for the New Buffalo Industrial Park Renewal Area. This Plan and other reference material available in its preparation will specifically serve to provide the documentation necessary to: define the project area; demonstrate its eligibility for Urban Renewal, and propose methods and means for eliminating blight.

### A. PROJECT AREA DEFINITION

The New Buffalo Industrial Park Project area is located in the southeastern portion of the City of Buffalo (see Site Location Map, Exhibit A). The development of the New Buffalo Industrial Park will continue the City's ongoing revitalization efforts on the far east side and is intended to complement previous public efforts to stimulate private industrial

development and investment activity within the City. The project builds upon the success of the nearby Industrial Pilot Project and the Thruway Industrial Park Urban Renewal Areas.

B. PROJECT BOUNDARY

1. General Description

The boundaries of the project urban renewal area are illustrated by the Project Boundary Map, Exhibit B, attached to and made a part of this plan, and are specifically defined in the Technical Boundary Description. The project area is located within the area generally bounded by Bailey Avenue on the west, South Ogden Street on the east, Dings Street on the south, and William Street on the north.

2. Technical Boundary Description

The New Buffalo Industrial Park Urban Renewal Area includes all that tract or parcel of land situate in the City of Buffalo, County of Erie, State of New York, being part of Lots 148, 149, 150, 151 and 152 of the Buffalo Creek Reservation, so called, bounded and described as follows:

Beginning at a point in the north line of Dings Street (66' wide) at a distance of 1,438.05± feet east of the intersection of the north line of Dings Street with the east line of Bailey Avenue, said point further described as being the southeast corner of lands conveyed

to Erie County Industrial Development Agency by a deed filed in the Erie County Clerk's Office in Liber 8421, Page 145;

Thence easterly along the north line of Dingens Street a distance of 1,870.07± feet to a point, said point being the southeast corner of lands conveyed to Mofin, Inc. by Liber 8072, Page 589 and the southwest corner of lands conveyed to Paul Divis by Liber 8913, Page 613 and also further described as being 517.02± feet west of the intersection of the north line of Dingens Street with the west line of South Ogden Street (50' wide); Thence northerly at right angles to the north line of Dingens Street and along the division line between said Mofin, Inc. on the west and Paul Davis on the east, a distance of 150.0± feet to a point; Thence easterly at right angles along the division line of Mofin, Inc. to the north and Paul Davis to the south, a distance of 100.0± feet to a point, said point being the southeast corner of lands conveyed to Mofin, Inc. and on the westerly line of lands conveyed to Gordon Smith by deed filed in the Erie County Clerk's Office; Thence northerly at right angles along the division line between Mofin, Inc. to the west and Gordon Smith on the east, a distance of 238.0± feet to a point, said point being the northeast corner of said Mofin, Inc. lands; Thence northwesterly through the lands of said Smith, a distance of 115.69± feet to the southwest corner of lands conveyed to Gordon

F. and Donald H. Smith by deed filed in the Erie County Clerk's Office in Liber 8746, Page 39; Thence northerly and parallel to the west line of South Ogden Street and along the west line of said Smith lands, a distance of 421.57± feet to an angle point; Thence northerwesterly and continued along the westerly line of said Smith lands, a distance of 99.3± feet to an angle point; Thence northerly and parallel to the west line of South Ogden Street and continued along said Smith west line a distance of 223.25± feet to an angle point; Thence northeasterly and continued along said Smith's west line a distance of 308.62± feet to the northwest corner of said Smith lands; Thence easterly and parallel to the north line of Dingens Street and along said Smith's north line a distance of 304.29± feet to the westerly line of South Ogden Street; Thence northerly along the westerly line of South Ogden Street projected north through the lands now or formerly owned by the Lehigh Valley Railroad Company and continued into the lands conveyed to Consolidated Railroad Corp. (Conrail) by deed filed in the Erie County Clerk's Office in Liber 8706, Page 313, a distance of 700± feet to a point; Thence southwesterly through said Conrail land, a distance of 410.0± feet to a point, said point being the southeast corner of lands conveyed to Niagara Mohawk Power Corp. by deed filed in the Erie County Clerk's

Office in Liber 2161, Page 267, Parcel 2; Thence north-easterly and along the easterly line of said Niagara Mohawk Power Corp. and projected into said Conrail land, a distance of 460.0<sub>±</sub> feet to a point; Thence south-westerly through said Conrail lands a distance of 630.0<sub>±</sub> feet to a point at the easterly corner of a particular parcel designated as Parcel A on Railroad Valuation Map No. V-15-N.Y./S.T.1 as revised October 16, 1975 and filed in the Erie County Clerk's Office in Liber 8706, Page 313; Thence westerly along the northerly line of the above mentioned Railroad parcel, a distance of 2,705<sub>±</sub> feet to a point on the east line of Bailey Avenue, said point further described as being 316.6<sub>±</sub> feet south of the intersection of the east line of Bailey Avenue and the south line of William Street; Thence southerly and along the easterly line of Bailey Avenue, a distance of 1,179.08<sub>±</sub> feet to a point in the east line of said Bailey Avenue; Thence southwesterly along the east line of said Bailey Avenue, a distance of 447.87<sub>±</sub> to a point, said point being the southwest corner of lands conveyed to R. Guzzo by deed filed in the Erie County Clerk's Office in Liber 8359, Page 153; Thence northeasterly along said Guzzo's southerly line a distance of 363.98<sub>±</sub> feet to a point where said southline is intersected by the northeast corner of lands conveyed to Engelhaupt Co., Inc. by deed filed in the Erie County Clerk's Office in Liber 6992, Page 499; Thence southeasterly at right angles along said Engelhaupt easterly line and the

and the westerly line of lands conveyed to the Bailey Terminal Corp. by deed filed in the Erie County Clerk's Office in Liber 6132, Page 328, a distance of 231<sup>+</sup> feet to a point, said point further described as the southwest corner of said Bailey Terminal Corp. lands and the most westerly corner of a tract of lands conveyed to Niagara Frontier Services Development Corp. by deed filed in the Erie County Clerk's Office in Liber 7361, Page 271; Thence easterly through said Niagara Frontier Services Development Corp. lands, a distance of 425.0<sup>+</sup> feet to the northwest corner of a parcel conveyed to Erie County Industrial Development Agency by deed filed in the Erie County Clerk's Office in Liber 8421, Page 145, Parcel 3; Thence northeasterly along the northerly line of the said Erie County Industrial Development Agency Parcel 3, a distance of 207.66<sup>+</sup> feet to the northeast corner of said Parcel 3; Thence southerly along the easterly line of said Parcel 3 and projected across the lands now or formerly owned by the Erie Railroad Co. by deed filed in the Erie County Clerk's Office in Liber 2053, Page 223, a distance of 69.21<sup>+</sup> feet; said point further described as being the south line of said Railroad lands and the north line of lands conveyed to the Erie County Industrial Development Agency in Liber 8421, Page 145, Parcel 1; Thence northeasterly along said Erie County Industrial Development Agency's

Parcel 1, also being the southerly line of said Erie Railroad Company lands and projected along the north line of lands conveyed to the Niagara Frontier Services Development Company, Inc. by deed filed in the Erie County Clerk's Office in Liber 7361, Page 271, Parcel 1, a distance of 500.0± Feet to a point; Thence southeasterly and parallel to the east line of lands conveyed to said Erie County Industrial Development Agency in Parcel 1 and through said land of Niagara Frontier Services Development Company, Inc. (Parcel 1), a distance of 275.0± Feet to a point on the southeasterly line of said Niagara Frontier Services Development Company, Inc. lands; Thence southwesterly along Niagara Frontier Services Development Company, Inc.'s (Parcel 1) southeasterly line and the southeasterly line of the Erie County Industrial Development Agency (Parcel 1), a distance of 774.35± feet to the point of beginning.

C. PROJECT ELIGIBILITY

The State General Municipal Law defines areas which are eligibly for Urban Renewal to be residential, non-residential, commercial, industrial or vacant area "which are slum blighted, or which are becoming slum or blighted areas because of substandard, insanitary, deteriorated or deteriorating conditions, factors, and characteristics, with or without tangible physical blight. The existence of such areas

constitutes a serious and growing menace, is injurious to the public safety, health, morals and welfare, contributes increasingly to the spread of crime, juvenile delinquency and disease, necessitates excessive and disproportionate expenditures of public funds for all forms of public service and constitutes a negative influence of adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenues".

This Urban Renewal Plan documents that conditions of economic blight, as defined in Article 15, Section 500-504 of the General Municipal Law, exist in the project area, and that there are certain permitted remedial actions that may be taken by the City to remove such blighted conditions, and finally that there are certain proposed uses and developments that may be constructed which will insure that the blighted conditions are permanently removed.

1. Project Area Analysis

The project area consists of a 134.3 acre irregularly shaped site comprising 15 separately owned parcels, one of which is publicly owned. The site is primarily vacant, with over 70% of the land undeveloped, and is dominated by underutilized and abandoned railines. Over 50% of the site is railroad property scheduled for abandonment and disposition.

The site is fragmented into pockets of land by the Conrail Running Tracks 101 and 102, which are located on a twenty-five foot high embankment, a 110 foot

wide Niagara Mohawk Power distribution line right-of-way, and the Conrail QX railyard. The interior of the resultant triangular land segments are utilized for gravel storage, junkyards and vehicle storage which are significant blighting influences and represent a gross underutilization of the site. Overall the site is characterized as a disorganized mixture of elevated railroad embankments, triangular fields, junkyards, dirt roads, gravel mounds, seasonal ponds, irregular and interior lots, poorly accessible and lacking in utility service.

Clearly the project area will require major development intervention to reestablish an orderly, compatible and productive use of the total site.

## 2. Building Condition Survey

This Urban Renewal Plan further establishes that the area is eligible for renewal treatment by documenting the results of a project area building condition survey.

- a) Survey Form - Construction was broken down into the three overall categories of major elements, minor elements and mechanical systems. Each of these was further reduced into subcategories resulting in 17 distinct components. These components were assigned a wighted value totaling 100 points per building. The lowest point total being the soundest building condition. The greater the score the

greater the building deficiency. Exhibit H illustrates the results of the Building Structural Condition Survey. This information was then charted on a Survey Form and the building placed into one of the four structural condition categories as described under Item d below.

- b) Inspection - Interior and exterior inspections of all buildings in the project area were conducted by a Rehabilitation Construction Analyst employed by the Department of Community Development, with background in all building types and ages, and by architectural personnel from Cannon Design, Inc. The most critical elements of a structure, and consequently the most costly to repair, replace or restore were assigned the highest weighted value. The condition of this element was then examined and assigned a "score" within its total point value (the higher the number the more deteriorated its condition). For example, a "score" of 3 on an element with a total point value of 5 meant that the element presently contained only 40% of its original quality (100% less  $3/5$  or  $60\% = 40\%$ ).
- c) Qualifications of the Inspector - The Inspector employed to survey the buildings has a wide variety of experience in many phases of building construction, administration and maintenance. Knowledge

of cost estimating involved in rehabilitation was a prime inspection consideration since a judgment must be made for each building to justify rehabilitation. Exhibit I of this Urban Renewal Plan provides a Resume of the Rehabilitation Construction Analyst who conducted these building inspections and evaluations.

- d) Rating System - The criteria was then used to classify buildings as to physical quality and each building was placed into one of the following four categories:
- 1) Structures deemed to be sound.
  - 2) Structures requiring extensive minor repair which create a deteriorating influence.
  - 3) Structures with deteriorating conditions which are not correctable by normal maintenance, classified as being in need of major repair.
  - 4) Structures having defects to a point warranting clearance.
- e) Survey Results and Conclusions - The results of the Building Condition Survey are presented in Exhibit H, Building Structural Condition Chart, attached to and made a part of this Urban Renewal Plan. This information is further illustrated on the Project Area Map, Exhibit C. By these investigations it is documented that real factors of blight

exist, showing a tendency to affect investor confidence in the area, and negatively impacting other area properties. Further, the land which comprises the bulk of the project area is grossly underutilized and largely unproductive. Approximately 70% of the total project land area is currently vacant, unlandscaped and unsightly. Although the area is ideally suited to accommodate new industrial facilities, major public intervention will be required to provide access, utilities, and a rationalization of the existing parcel and topographic configurations. The existence of the combination of these factors constitute blight as defined by the New York State General Municipal Law and the area is deemed to be eligible for urban renewal treatment.

In consideration of these factors, at a session of the Common Council of the City of Buffalo, conducted on November 10, 1981, the project area was officially designated as eligible and appropriate for urban renewal treatment, as defined in subdivision 3 of Section 502 of the New York State General Municipal Law, Common Council Proceeding Item Number 124, Exhibit J, affixed to and made part of this Urban Renewal Plan.

SECTION III

URBAN RENEWAL PLAN PROVISIONS

### III. URBAN RENEWAL PLAN PROVISIONS

#### A. URBAN RENEWAL PLAN OBJECTIVES

1. Authority: Authority for this Urban Renewal Plan is provided by the New York State General Municipal Law. The State General Municipal Law states that the undertaking of Urban Renewal: "is necessary to correct such substandard, blighted, deteriorated conditions, factors and characteristics by the clearance, replanning, reconstruction, redevelopment, rehabilitation, restoration or conservation of such areas, the undertaking of public and private improvement programs related thereto and the encouragement of participation in these programs by private enterprise".
2. Objectives: The primary objective of this Plan is to insure the orderly and expeditious redevelopment of the New Buffalo Industrial Park. It is consistent with the goals of the Buffalo Master Plan, the overall Economic Development Program and the New Buffalo Industrial Park Master Plan. This Plan outlines project objectives, standards for development, procedures for acquisition and disposition, as well as preferred courses of action. The New Buffalo Industrial Park Urban Renewal Plan seeks to accomplish the general goals and objectives set forth in the State General Municipal Law and the overall New Buffalo Industrial Park Master Plan. The Plan also seeks to accomplish the following objectives to be achieved through public and private action as follows:

- a. To provide sites for new industrial development which will generate jobs, increase tax revenue, and be compatible with surrounding uses.
  - b. To remove substandard structures, incompatible uses, obsolete structures and blighting influences.
  - c. To promote the highest possible standards in building and environmental design, in terms of both individual and collective redevelopment efforts.
  - d. To enhance the identity and exposure of the area as the location of major light industrial facilities within the community.
  - e. To beautify the area through landscaping, well designed open spaces and attractive buildings.
  - f. To improve traffic circulation in the project area.
  - g. To minimize negative impact on existing utility infrastructure.
3. Types of Proposed Urban Renewal Actions: The Buffalo Urban Renewal Agency, hereinafter referred to as the "Agency", with the cooperation of the City of Buffalo, hereinafter referred to as the "City", with the authorization of the governing body thereof, proposes certain urban renewal action within the New Buffalo Industrial Park Project Area which include:
- a. Clearance and Redevelopment
    - 1) Acquisition of all real property, as identified for such action on Exhibit D, "Land Acquisition Plan Map" of this Plan.

- 2) Clearance of all structures and improvements located thereon, except as noted elsewhere in this plan.
- 3) Assembly or reassembly of portions of such cleared land into parcels whose size, shape, location, and relationship to other areas and facilities will (a) achieve and allow new private development meeting the objectives of this Plan and the projected market demands for such new development, (b) provide opportunities for the orderly expansion and improvement of existing industrial facilities, and enhance their setting within the community, and (c) permit public improvement and provision of street, utility, parking, and other facilities which are required to support private development activities in accordance with the locational and design objectives and criteria for such facilities as defined in this plan.
- 4) Sale, lease, or dedication of such parcels for public or private use and development in accordance with this Plan.

b. Public Improvements and Facilities

- 1) Modification, development, and construction by the Agency or the City of public improvements and facilities required to adequately support and service existing and proposed land uses and activities, including streets, utilities,

open spaces, and pedestrian features and facilities.

- 2) The underground placement of all new utilities, and of existing utilities where deemed necessary.

## B. LAND USE PLAN

### 1. Proposed Land Use

The entire project area is to be utilized for industrial and accessory uses. Therefore, the project area is designed to provide areas suitable for development as industrial sites and at the same time protect such industrial developments from the intrusion of non-industrial uses which would conflict with and hamper the full utilization of properly located sites for industrial purposes. Site and development plans shall be subject to the approval of the Commissioner of Community Development. The Land Use Plan Map, Exhibit E, bound herein and made a part of this Plan, identified the general land use categories and areas which are established and permitted within the New Buffalo Industrial Park.

### 2. Land Use Provisions

The following requirements shall apply to the use and development of land within the New Buffalo Industrial Park and together with the Land Use Plan Map, Exhibit E, shall constitute the provisions of this Urban Renewal Plan that govern such use and development.

These requirements are established as basic guides and standards for new construction reflecting the public renewal objectives and intent of the City in undertaking the New Buffalo Industrial Park Renewal Project. It is not intended, however, that such provisions unduly inhibit exploration of valid land uses, design concepts, economic concepts, or other development objectives which, while varying from some aspect of these requirements, may nevertheless achieve the public objectives embodied herein.

a. Controls for New Development

1) Prohibited Uses

Except for those certain uses which are specifically prohibited within the project area, any use conforming with the specified performance standards of this plan is permitted.

The following uses are specifically prohibited within the project area:

- a) Acetylene gas manufacture
- b) Ammunition and explosive manufacture and storage.
- c) Arsenal
- d) Asphalt, hydrocarbon or petroleum products distillation or manufacture
- e) Calcium Carbide manufacture
- f) Dwellings
- g) Fertilizer manufacture

- h) Fumigation manufacture
- i) Glue manufacture
- j) Incineration on a commercial basis
- k) Junkyards, including auto wrecking and dismantling
- l) Soap, tallow, grease, or lard manufacture
- m) Tannery

2) Environmental Performance Standards

All uses established within the New Buffalo Industrial Park shall be constructed and operated so as to comply with the following standards of external effects:

- a) Disposal of sewage and wastes - No industrial wastewaters shall be discharged to a public sewer, directly or indirectly, without a Buffalo Sewer Authority Permit for Industrial Wastewaters Discharge. In issuing a permit, the BSA may require the user to enter into a contractual agreement with the BSA for payment of sewer rents or surcharges, pretreatment, restriction of flow or hours of discharge, provision of control manholes, or for compliance with such other conditions as may be set by the BSA. The BSA may require periodic measurements, sampling and analysis of industrial wastewaters by an approved laboratory at the expense of the user. A separate system of collection shall

be provided for ground, surface and storm-water subject to the approval of the Buffalo Water Division and the Buffalo Sewer Authority. No stormwater shall be allowed to enter soil, waste or vent pipes from any building and, conversely, the storm drainage system shall not carry sewage or industrial wastes other than industrial cooling water or unpolluted process waters if so approved by the BSA.

The requirements of this section also apply to each and every separate use within a multi-use facility connected to a public sewer directly or indirectly.

- b) Smoke, dust and other atmospheric pollutants - Emissions to the outdoor atmosphere including, but not limited to, any dust, fumes, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others, shall be subject to the specific air quality standards and emission limits set forth in the Federal Air Quality Act and the New York State Air Pollution Control Rules and Regulations as administered by the New York State Department of Environmental Conservation and the Erie County Department of Environment and Planning.

A permit to construct, and a certificate to operate, air contamination sources not otherwise exempted by the above mentioned Rules and Regulations must be received from Commissioner of the NYSDEC. It is the responsibility of prospective occupants of the Industrial Park to notify the NYSDEC of any proposal to construct or operate an air contamination source and to apply for the required permits or to receive a notification of exemption.

- c) Glare and heat - No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or glare as shall be visible from any point along a lot line. There shall be no emission or transmission of heat or heated air so as to be discernible at any lot line.
- d) Sound - At all points along the edge of a lot, sound levels produced by equipment on that lot shall meet the following:
- (i) The LDN (Day/Night Equivalent Sound Level) shall not exceed 60dBA.
  - (ii) The sound level measured on a sound level meter set to show response shall not exceed 65dBA, except for occasional truck and rail traffic in or out of the lot.

- (iii) All measurements shall be taken with equipment conforming to International Electrotechnical Commission 651, Type 2, or Type 1 if impulsive noise is present.
  - (iv) Where a sound is tonal, information carrying, intermittent, or impulsive, the above limits shall be reduced by 5dB.
  - (v) Sound levels at the nearest residence shall be 10dB below those given above.
  - (vi) The above performance standards applies only to sound from the lot in question which must be assessed separately from other sounds. If so requested by the City, and before an installation likely to produce exterior noise, including HVAC equipment, is allowed to proceed, a report shall be prepared by a competent acoustical consultant (at the expense of the property occupant) outlining the measures being undertaken to meet this performance standard.
- e) Vibration - No use shall be so operated as to cause ground vibration which is detectable, without instruments, at any point any lot line on which the use is located.

f) Fissionable, radioactive or electrical disturbance - The handling, storage, discharge or disposal of radioactive material or waste byproducts shall be in conformance with the regulations of the Atomic Energy Commission, as set forth in Title 10, Chapter 1, Part 20, Code of Federal Regulations, Standards for Protection Against Radiation, as amended, and in accordance with any other applicable laws or regulations. No activities shall be permitted which produce electrical and/or electromagnetic disturbance affecting the operation of any equipment other than that of the creator of such disturbance.

b. Building Requirements

These requirements are intended to assure attractive, safe and environmentally sound development without imposing untenable demands upon developers. A reasonable density of jobs and building is sought with a minimum expectation of 10 jobs per acre.

1) Maximum Building Height - The height of a building or structure erected or altered shall not exceed fifty (50) feet with the exception of communication, heating, ventilating and/or cooling towers. Towers will be approved by the Commissioner of Community Development.

- 2) Building Setback Lines - Any building or structure erected in the project shall be set back no less than twenty-five (25) feet from the street right of way.
- 3) Rear Yards - A 15' rear yard is required for buildings under 30' high except for parcels abutting the Niagara Mohawk right of way where no rear yard is required.
- 4) Side Yards - 15' side yards are required for buildings under 30' high, 25' for those over 30' high.
- 5) Land Coverage - Not more than 50 percent of the site shall be covered by the principal building, and not more than an additional 10 percent for accessory buildings. This 60 percent total applies to one story buildings. For two story structures the total is 50 percent, and for three or more stories, the total is 40 percent. Parcels of less than two acres may increase coverage by 10 percent. In no case can more than 75% of the total lot area be covered by buildings and paved surfaces.
- 6) Minimum size for any new principal building shall be 25% of the lot size. No principal building shall be less than 10,000 square feet.

- 7) Minimum lot size shall be one acre with, <sup>OK</sup>  
minimum frontage of 200'.
- 8) Storage - All storage shall either be in enclosed buildings or structures or if open to the sky shall be enclosed by a solid masonry wall or fence at least eight (8) feet high but no case lower in height than the enclosed storage.
- 9) Structural Materials - Outside walls of all buildings must be of masonry construction or any other material as approved by the Commissioner of Community Development. Accessory buildings, markings and enclosures must be consistent in design and quality of materials with the buildings they serve.

c. Off-Street Parking and Loading Requirements

These requirements are designed to assure adequate areas to handle all parking and loading on-site without excessive paving.

- 1) Off-Street Parking - All required parking shall be provided in off-street spaces. No parking shall occur within required set backs and sideyards. At least one parking space shall be provided for each employee, at a maximum shift, plus one parking space for each vehicle used in the conduct of enterprise or one parking space for every 300 sq. ft. of gross floor area whichever is less.

A required off-street parking space shall be at least nine (9) feet in width and at least eighteen feet in length, exclusive of access drives or aisles. Such space shall have a vertical clearance of at least seven feet. OK

Parking spaces shall be provided on the same parcel with the development or on another site within 1,000 feet.

There will be no parking within 10' of any building.

Where a combination of uses is permitted on a parcel, the combined total of required parking spaces shall be provided unless it can be demonstrated to the satisfaction of the Department that the nature of the proposed uses will permit mutual use of a lesser number of spaces. In no event shall the number of parking spaces provided be less than that required by the use generating the largest number of spaces.

Surfacing - Drive and parking surfaces shall be paved with a compacted macadam base, not less than four inches thick, surfaced with asphaltic concrete, or some comparable all-weather dustless material designed to be pitched and drained to dispose of surface

water accumulation. The water cannot be drained to adjoining property unless part of an approved drainage plan and parking for 10 vehicles or more must provide adequate drains to sewer. Chapter LXX, Section 17b (3) and Chapter V, Section 362, of the zoning ordinance of the City of Buffalo.

- a) Paved - Use of blacktop, asphalt, concrete or other similar substance to create a smooth surface (including bituminous penetration), but not the use of dirt, clay, slag or stone.
  - b) Screening - Parking areas shall be screened or landscaped along any street edge in accordance with the landscape standards contained herein.
  - c) Lighting - Parking lots used after sundown shall be so lighted to give protection to persons using the lot and the lights shall be directed away from the street and adjoining property. Chapter V, Section 363 and Chapter LXX, Section 17b(4), (Buffalo Zoning Ordinance.)
- 2) Off-Street Loading - Servicing of all buildings shall be entirely within the site. For buildings containing 10,000 - 40,000 square feet of floor area, at least one loading berth shall be provided, plus one additional loading berth for each additional 100,000 square feet or fraction thereof.

A required loading berth shall be at least 12 feet in width and accommodating up to 60 feet in length, exclusive of aisle and maneuvering space and shall have a vertical clearance of at least 14 feet. Minimum maneuvering space from dockface to far curb/edge of pavement will be 110'.

Off-street loading facilities shall be so designed as to discourage vehicles from backing into and servicing in public streets and across sidewalks, and shall be screened from adjacent streets.

Wherever practicable, all loading and unloading shall be on those sides of the building which do not face a public way. Where loading and unloading must be conducted on any side of a building facing a public way, the building shall be so arranged that no part of a waiting or docked truck or other vehicle shall be within the required setback. Loading or unloading spaces shall be so located that all vehicular turning movements necessary to maneuver about the loading or unloading space shall be made off the public way.

- 3) Curb cuts will be minimized and subject to specific approval by the City Department of Transportation.

d. Roadway Standards

- 1) Roadway Widths - Through and auxiliary lanes on all roadways will be 12 feet wide. Minimum of 10 feet lanes may be used at intersections for turn lanes. General roadway width will be thirty-six feet.

- 2) Right-of-Way Widths - Minimum right-of-way width of 17 feet will be retained on each side of a roadway to accommodate necessary borders and utilities. Therefore, the typical overall right-of-way width of through roadways will be, at a minimum 70 feet.
- 3) Turning Radii - Radii of 40 feet or more are desirable with the knowledge that large trucks will be turning. Minimum radii will be 15 feet under special circumstances as long as the path of a truck will not cause unacceptable conflict with other vehicles.
- 4) Turning Lanes - Length of turning lanes are determined by deceleration length, storage length and entering taper and are specific to each situation.
- 5) Driveway and Intersection Spacing - The spacing between major driveways and intersections should safely accommodate weaving, turning movements, and signal progression on arterial and local streets. The suggested minimum spacing between such driveways and intersection and to adjacent driveways along industrial park roads is 125 feet. The primary modifying factor to this spacing is the amount of site frontage available for access facilities. Special consideration must be given to the spacing between park road/local street intersections and driveways in order to

provide proper progression of traffic on this street system with a 250' minimum drive to local street intersection distance.

6) Cul de Sac Street - Minimum of 100' diameter for trucks to turn around.

e. Signs

Signs use private land and the sight lines created by the public rights-of-way to inform and direct the general public by publishing a message. The general objectives of these standards are to promote safety and convenience by making certain that signage within the area does not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs. Signs should allow businesses and services to identify themselves without overwhelming persons exposed to them.

These standards are also designed to enhance the appearance and economic value of the landscape, by providing that signs do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement, but rather contribute to the special character of the industrial park.

Signs may be attached to and parallel to a building and shall not extend above or beyond the building facade and shall project no more than 13 inches from the wall to which it is attached. Signs may only be placed within an envelope 3' from the top and 5' from the edge of the building facade. Total area of all signs on any building facade shall not exceed 80 square feet. No signs shall use more than four colors (including black & white) or more than eight words. Signs of less than two square feet which direct on-premise vehicular or pedestrian movement are not limited in number. All sign proposals shall be submitted to the Department of Community Development for review and approval.

f. Landscaping

This section is intended to improve the appearance of off-street parking areas and vehicular use areas and property abutting public rights-of-way thereby reducing conditions which lead to urban blight, prevent soil erosion and soil depletion thereby enriching the soil, increase soil water retention thereby helping to prevent flooding, and break up large expanses of pavement typical in parking areas.

All portions of land not utilized for buildings, loading or maneuvering area, or parking shall be landscaped pursuant to the Landscape Standard

which follow, and shall be submitted by the Developer to the Commissioner of Community Development for approval. Each site shall be developed with a minimum of twenty-five percent of its area set aside for planting, which includes lawns, trees, and shrubs, however used. Landscaping shall most often include berming, seeding and screen planting, as well as shrub and tree planting within the site.

#### 1) Landscape Plans

A Developer's landscape plan shall provide for the following landscape requirements:

- a) Every tree or shrub shall be placed for a reason; that is every one shall be placed to screen, shade or act as a focal point.
- b) The visual character of every tree shall be maximized in its placement and use.
- c) Blank end walls shall be landscaped.
- d) Transformers, gas meters, etc., shall be screened where possible.
- e) Parking areas shall be screened from the road.
- f) Developed landscape areas shall not be used as drainage basins or detention areas.
- g) Natural features such as marshlands, wetlands, topsoil, trees and shrubs outstanding vegetational features shall be preserved and incorporated into the open space areas,

as required and in the landscaping of the development.

b) Plastic or other types of artificial plantings or vegetation shall not be permitted.

2) Topsoil and Seeding

A Developer shall be expected to topsoil, seed, or sod all areas so designated on his landscape plan. The seeding responsibilities of Developers shall not be considered complete until a lawn is produced of a quality acceptable to the Commissioner of Community Development.

3) Screen Planting

Plants shall be selected from the Recommended Screen Planting list attached on Schedule 1. Every effort shall be made to follow these basic plant principles:

a) Plant material shall be massed in beds rather than planted as independent units in a lawn.

b) Simple masses of shrubbery with good scale, a predominance of one species for unity and individual plants for accent are desirable.

c) Appropriate varieties related to climate, sun, soil, water and existing conditions shall be considered.

d) Massing ground cover shall be used whenever paving, lawn or cultivated beds are desirable.

4) Trees

The Developer's landscape plan shall provide for planting a minimum number of trees in unwooded areas according to the following schedule:

Along front setback = 1 Tree/40 linear feet of frontage

Along building = 5 Trees + 1 Tree/7,500 sq. ft. of building

Parking Areas = 1 Tree/15 parking places

All newly planted trees shall be from the list of Recommended Major and Minor Trees attached Schedules 3 and 4.

5) Plant Material

a) Quality - Plant and grass materials used in conformance with provisions of this standard shall conform to standards of the American Association of Nurserymen and shall have passed any inspections required under State Regulations. Grass sod shall be clean and free of weeds and noxious pests or diseases.

b) Standards:

1) Trees

- (i) Minimum 2- $\frac{1}{2}$ " caliper
- (ii) Minimum 5' clear to branches for visibility, 8' clear at intersection
- (iii) Minimum height - 10'.

2) Shrubs and Hedges - Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting and pruning or two (2) feet in spread if plants are low growing evergreen. Hedges, where provided, shall be planted and maintained so as to form a continuous unbroken, solid, visual screen within a maximum of two (2) years after time of planting.

3) Vines - Vines shall be a minimum of thirty (30) inches in length after one growing season and may be used in conjunction with fences, screens, or walls to meet physical buffer requirements so specified.

4) Ground Covers - Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a

finished appearance and complete coverage after two complete growing seasons.

5) Lawn Grass - Grass areas shall be planted in species normally grown as permanent lawns in Erie County. Grass may be sodded, hydro-seeded, or seeded except that solid sod shall be used in swales or other areas subject to erosion.

6) Evergreen Trees - Evergreen trees shall not be placed where they will obstruct visual line of sight of public right-of-way. Evergreen trees shall be minimum of five (5) feet high at time of planting.

7) In no case shall any tree, shrub, or hedge be planted in a way which interferes with or cause damage to underground utility lines, public roadways, or other public works.

#### 6) Installation and Maintenance

In cases where an Owner of property is required to install and maintain landscaping, he shall observe the following standards:

a) Installation - Landscaping shall be installed in accordance with standards adopted by the American Association of Nurserymen. Landscaped areas must be protected from vehicular

encroachment, by such means as, but not limited to, wheel stops, or as otherwise controlled by Off-street Parking and Vehicular Use Areas.

b) Maintenance - The Owner of Landscaping required by this Standard shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year or the next appropriate planting period whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within three hundred (300) feet of all plant material to be maintained. A fire hydrant shall not be considered to be an acceptable source.

#### 7) Landscaping Applications

a) Land Adjacent to Public Rights-of-way - The Owner of a vehicular use area of off-street parking area which is adjacent to public right-of-way, shall install and maintain the following landscaping between such area and such right-of-way, unless the vehicular use area of off-street parking

area is entirely visually screened from the right-of-way by a building or structure:

- (i) A strip of land at least fifteen (15) feet in depth located between the abutting right-of-way and the off-street parking area or vehicular use area which is exposed to an abutting right-of-way shall be landscaped: Necessary accessways from the public right-of-way through all such landscaping shall be permitted to service the parking of other vehicular use area and such accessways may not be subtracted from the lineal dimension used to determine the minimum number of trees required. Such trees shall be located between the abutting right-of-way and off-street parking area or vehicular use area. In addition, a hedge, a wall, a berm or other landscape elements of at least three (3) feet in height shall be placed along such strips between street right-of-way and parking. When landscape elements are of non-living material, for each ten (10) feet thereof, at least one (1) shrub or vine shall be planted abutting such

barrier. Such shrubs or vines shall be planted along the street side of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of a landscape element.

The remainder of the required landscape areas shall be landscaped with grass, ground cover, or other landscape treatment excluding paving such as, concrete or asphalt.

- (ii) All property other than the required landscaped strip lying between the right-of-way and off-street parking area or vehicular use area shall be landscaped with grass or the ground over, as a minimum requirement. Plantings along the front of the building and in sideyard areas are encouraged.

- b) Off-street Parking and Vehicular Use Areas - The Owner of an off-street parking area or a vehicular use area shall install and maintain the following landscaping:

- (i) Off-street parking areas containing six (6) or more spaces shall have at least 10% of total paved area landscaped. Where the property contains both parking areas and vehicular areas,

the two (2) types of areas shall be separated for the purpose of determining landscape requirements. Each separate landscaped area shall have no less than one hundred (100) square feet and shall have a minimum dimension of at least five (5) feet, and shall be adequately landscaped. Authorized landscaping material except trees shall be maintained so as not to exceed three (3) feet in height. The total number of trees within the parking area shall not be less than half the number required per the parking requirements. Such landscaping areas shall be located in such a manner as to divide and break up the expanse of paving. The balance of required trees shall be planted around the parking lot perimeter.

- (ii) A vehicle may encroach upon any interior landscaped areas when said area is at least three and one half ( $3\frac{1}{2}$ ) feet in depth per abutting parking space and protected by wheel stops or curbing. Two (2) feet of said landscaped area may be part of the required depth of each abutting parking space.

- (iii) Garbage and refuse collection areas shall be screened from view from a public right-of-way. The screening shall be of live landscape material such as, but not limited to, trees, shrubs, and hedges and shall provide 30% or more summer opacity and 60% winter opacity within two (2) years when viewed from between two (2) feet and ten (10) feet above ground level.
  - (iv) The layout of the landscape screen shall in no way impede the pick-up and collection operation.
  - (v) If site restriction and site layout prohibit the use of live landscape material, wood or brick fencing shall be used and shall have one (1) vine which adheres to wood planted every six (6) lineal feet thereof.
- c) Sight Distance for Landscaping to Public Rights-of-Way and Points of Access - When a driveway intersects a public right-of-way, or when the subject Property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall provide unobstructed cross-visibility. All shrubs located in the

triangular areas shall not be permitted to grow to a height of more than thirty (30) inches above the sidewalk grade, in order that the view of the driver of a vehicle not be obstructed. Trees may be planted and maintained in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway. Landscaping except required grass or ground cover, shall not be located closer than three (3) feet from the edge of an accessway pavement. The triangular areas referred to above are:

- a) The area formed at a corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) lines.
- b) The area formed at a corner intersection of two (2) public rights-of-way the two (2) sides of the triangular area being thirty (30) feet in length measured along the abutting public right-of-way line and the third side being a line connecting these two (2) sides.

## Landscaping Plant Material Schedules

### Schedule 1 - Recommended Screen Planting

Abelia	Russian Olive	Japanese Rose
Red Chokeberry	Forsythia	Swamp Rose
Japanese Barberry	With Hazel	Scarlet Elder
Summer Sweet	Holly	Spirea
Siberian Dogwood	Spice Bush	Lilac varieties
Silky Dogwood	Tatarian Honeysuckle	Viburnum varieties
Gray Dogwood	Mockorange	Hemlock
Red-Osier Dogwood	Oriental Photinia	Pine varieties
Bush Honeysuckle	Bush Cinquefoil	Spruce varieties

### Schedule 2 - Recommended Ground Covers

Contoneaster varieties	Ajuga	Bar Harbor Juniper
Euonymus varieties	Crown Vetch	Shore Juniper
Pachysandra	Bearberry	Waukegan Juniper
Ivy	"Blue Rug" Juniper	
Vinca	Andorra Juniper	

### Schedule 3 - Recommended Major Trees

White Fir	Tupelo	Shagbark Hickory
Norway Maple	Amur Cork Tree	Northern Catalpa
Sycamore Maple	London Planetree	American Beech
Red Maple	Sawtooth Oak	European Beech
Sugar Maple	White Oak	White Ash
Butternut	Red Oak	Green Ash
Black Walnut	Scarlet Oak	Black Ash
Sweet Gum	White Birch	Norway Spruce
Thornless Honeylocust	Scotch Pine	Silver Linden
Serbian Spruce	Weeping Willow	Smooth-leaved Elm

Schedule 3 - Recommended Major Trees (cont)

Austrian Pine	Bald Cypress	Chinese Elm
Norway Pine	American Basswood	Japanese Elm
White Pine	Linden	

Schedule 4 - Recommended Minor Trees

Hedge Maple	Eastern Redbud	American Holly
Amur Maple	Fringe Tree	Red Cedar
Paperbark Maple	Flowering Dogwood	Golden Rain Tree
Japanese Maple	Japanese Dogwood	European Larch
Service Berry	Cornelian Cherry	Magnolia
European Hornbeam	Hawthorn	Flowering Crab
American Hornbeam	Olive	Peach (hybrids only)
Katsura Tree	Inkberry	Cherry (hybrids only)

Schedule 5 - Trees Not Permitted

Artificial	Possum Haw
Silver Maple	Eastern Larch
Box Elder	Tulip Poplar
Moosewood	Pawlonia
Horsechestnut	Poplars
Tree of Heaven	Black Cherry
Betula Species (except B.Alba)	Swamp White Oak
Bitternut	Black Locust
Cedar of Lebanon	Canada Hemlock
Hackberry	American Elm

C. DURATION OF LAND USE PROVISIONS AND BUILDING REQUIREMENTS

This Urban Renewal Plan, and all provisions contained herein, governing the use and redevelopment of lands in the New Buffalo Industrial Park Renewal Area, including any modifications thereof, shall be in full force and effect for a period of forty (40) years following the date of the Resolution of the Common Council of the City of Buffalo approving and adopting this Urban Renewal Plan.

D. PROCEDURE FOR CHANGES IN THE APPROVED URBAN RENEWAL PLAN

The provisions of this Urban Renewal Plan may be modified or amended or additions made thereto, at any time, by the Common Council of the City of Buffalo, in accordance with the provisions of the New York State General Municipal Law. Information to be obtained during the execution stage may indicate the need for minor revisions in property lines, thus making unnecessary the acquisition of property that is currently designated to be acquired.

E. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

The following statements are made to conform with State and Local laws:

1. Provision of Community Facilities and Utilities

The following community facilities and utilities are existing or will be provided:

- a) Sewers
- b) Water lines
- c) Street lights
- d) Street improvements, including street signs, traffic lights, etc.

2. Local Codes or Ordinances

No additions or alterations to the local codes or ordinances are necessary now to effectuate the Urban Renewal Plan.

3. Schedule for Effectuation of Urban Renewal Plan

The Urban Renewal Plan will be implemented immediately upon adoption by the Common Council.

4. Underground Utility Lines

Relocation and provisions for private and public utility systems will be made as needed to adequately serve the redevelopment undertaken in accordance with this Plan. Such relocation as required, will be coordinated with other private and public construction, and will include elimination of all overhead utility lines, and the underground installations of any new lines and systems. The cost of relocating the underground utility lines will be borne by the utility companies, pursuant to the appropriate laws and ordinances concerned with the redevelopment of the Area.

5. Historic Preservation Review Analysis

The Buffalo Urban Renewal Agency in cooperation with the Department of Community Development, has conducted a

historic preservation review analysis of the Plan and finds that the Urban Renewal Plan will have no effect on any properties which are listed or considered eligible for inclusion in the National Register of Historic Properties.

SECTION IV

DEVELOPMENT OPPORTUNITIES

#### IV. DEVELOPMENT OPPORTUNITIES

The underlying purpose of urban renewal is to remove the blighting influences which threaten the City's source of revenue and replace them with permanent income producing alternatives which in turn strengthen the job and tax base. Market studies indicate the New Buffalo Industrial Park is a prime location for light manufacturing and distribution industries. The success of the Pilot Project and the Thruway Industrial Park are evidence of this demand.

##### A. PROJECT PROPOSALS

###### 1. Land Acquisition

The real property to be acquired by the City of Buffalo/Urban Renewal Agency pursuant to this Plan, is identified on the Land Acquisition Plan Map, Exhibit D, attached to and made a part of this Plan.

###### 2. Land Disposition

Real property will be disposed of subject to the provisions set forth in Item 3 below, and shown in the Land Disposition Plan Map, Exhibit G, attached to and made a part of this Plan. Land adequate to construct buildings and associated improvements will be sold to the redeveloper in accordance with the Redeveloper's Obligations defined below. The parcelization plan shown on the Land Disposition Plan Map is a concept illustration only. Actual public roadway configurations and parcel configurations may vary.

The City and Buffalo Urban Renewal Agency reserve the right to designate any other public agency as their Land Disposition Agent, to act in behalf of the City and Buffalo Urban Renewal Agency in the administration of the Development Plan Review Process and Land Disposition Process.

3. Redeveloper's Obligation

Land held by the City of Buffalo will be disposed of subject to a mutual agreement between the City and the redeveloper. The following controls apply to the ultimate purchasers of the individual parcels.

The redeveloper will be required by the Contractural Agreement, to observe the Land Use, Building Requirement and Development Plan Review Process Provisions of the Urban Renewal Plan. In addition, the following provisions will be included in the agreement.

- a) That the redeveloper will submit a Financial Capability Statement for approval by the Commissioner of Community Development.
- b) That the purchase of the land is for the purposes of redevelopment and not for speculation.
- c) That the land will be developed in conformity with the provisions of the Urban Renewal Plan.
- d) That the building or improvements will be commenced and completed within a reasonable time.
- e) That the redevelopers, their successors or assigns, agree that there will be no discrimination against any person or group of persons on account of race, creed, color, national origin or ancestry in the sale, lease,

transfer, use, occupancy, tenure or enjoyment of the premises therein conveyed or any improvements erected or to be erected thereon, nor will the redeveloper himself, or any other person, claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, leasees, or vendees in the premises therein conveyed or any improvements erected or to be erected thereon. The above provision will be perpetual and will run with the land.

B. DEVELOPMENT PLAN REVIEW PROCESS

The Commissioner of Community Development and a Development Plan Review Committee shall be responsible for review of all development proposals, and for interpretation of the terminology and intent of this Plan, and shall determine the appropriateness and acceptability of all development proposals in terms of their conformity with the Urban Renewal Plan. The Commissioner of Community Development or his designee, shall, in all cases, act on behalf of the City as the initial authority in the review of proposals, and shall consult with the City Planning Board, as required, prior to any recommendations to the Common Council regarding such proposals. The Commissioner of Community Development shall inform all proposed developers of the urban design requirements and objectives of this plan prior to the disposition of any project land. The development

plan review process entails two stages:

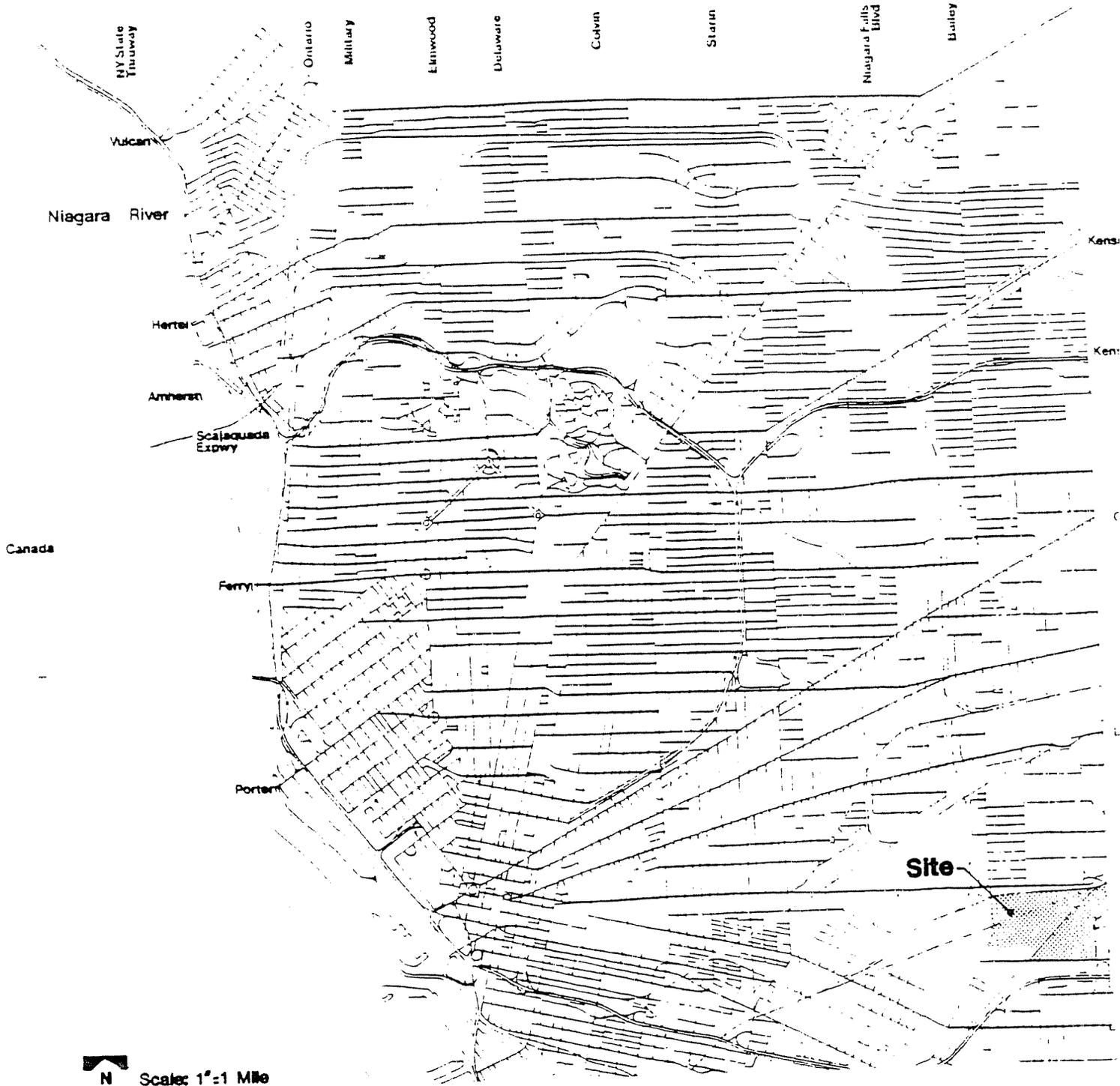
- 1) When initial proposals are received, the Department will evaluate proposals and recommend action based on a submission to include the following:
  - a) Site plan showing the location of the proposed building(s), pedestrian and vehicular circulation, required setbacks, planting areas including calculations indicating required materials and immediately adjacent buildings. (1" = 30'-0").
  - b) Elevations and perspectives indicating exterior materials and signing. (1/8" = 1'-0").
  - c) General description and specifications listing types of 1) foundations, 2) structural systems, 3) mechanical and electrical systems, and 4) interior and exterior finishes utilizing the CSI format.
  - d) Estimate of project construction cost.
  - e) Estimates on time necessary to complete the project.
  - f) A written statement confirming the developers understanding and acceptance of the land use and building requirements.
- 2) When approval is granted on preliminary drawings, final drawings must be submitted for review and approval prior to land sale and construction. This submission should include:
  - a) Site plan showing the location of proposed building(s), pedestrian and vehicular circulation, loading areas, planting, site lighting and pavements. Details of

paving, site utilities, drainage and waste disposal facilities structures and services shall be indicated (1" = 30'-0").

- b) A colored landscaping plan clearly showing the size, location and species of all plant material. A schedule showing the type of plant, number, size and scale to the site plan.
- c) Floor plan drawings showing all dimensions, structural details, materials, mechanical and electrical details and lighting (1/8" = 1'-0").
- d) Elevation drawings to scale of all sides showing complete architectural details and including all exterior equipment, and appurtenances located on the roof, in the walls and on the ground. All existing and proposed materials and finishes shall be identified, noted on the elevations, and keyed to the samples required below. The elevations should show accurately the placement of landscaping elements, (showing their size and shape) where they are in close proximity to any structure. Elevations shall be prepared at the largest practical scale.
- e) Sections showing all major building features of canopies, overhangs, copings, walls, ceilings, structural and mechanical systems, foundations and footings (1/8" = 1'-0') Additional large scale details shall be included where required to explain a structural system, signing, or other particular details.

- f) Specifications shall set forth in detail and prescribe the work to be completed, the materials, workmanship, finishes and equipment required for architectural, structural, mechanical, electrical service connected equipment and site development and drainage work (CSI format).
- g) A final detailed cost estimate or General Construction bid of the cost of the program will be submitted.
- h) Physical samples of all materials, items or devices to be installed accurately showing color, texture, and scale. All samples shall be identified by listing the manufacturer's name, brand name, manufacturer's color and keyed to the elevations required above.
- i) Preliminary construction schedule.

EXHIBITS

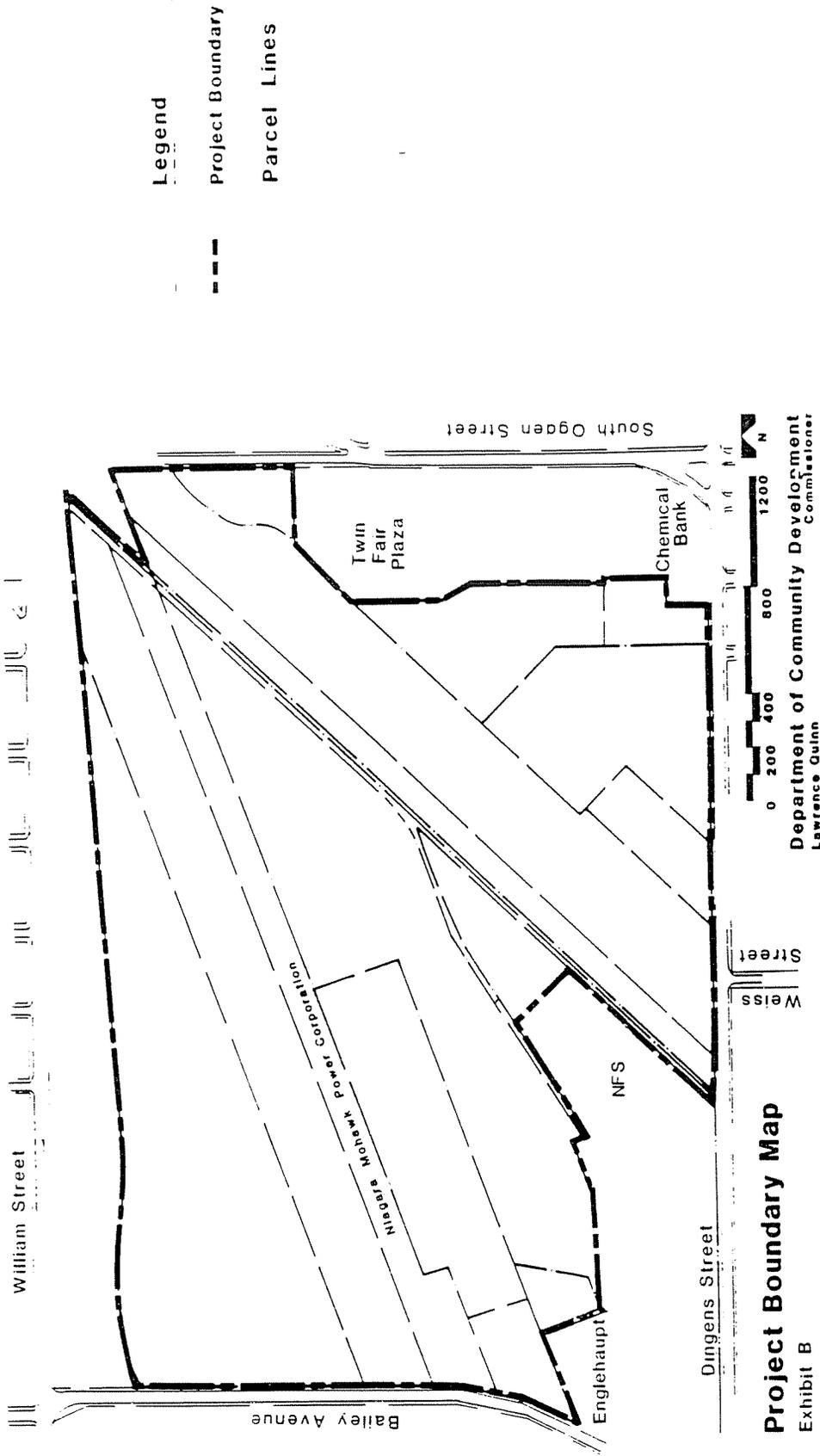


N Scale: 1"=1 Mile

**Site Location Map**  
 Exhibit A  
**New Buffalo Industrial Park**  
 Buffalo, N.Y. James D. Griffin, Mayor

**Department of Community Development**  
 Lawrence Quinn  
 Commissioner

Prepared by **Cannon Planning and Development** May 1982  
 2170 Whitehaven Road Grand Island, New York

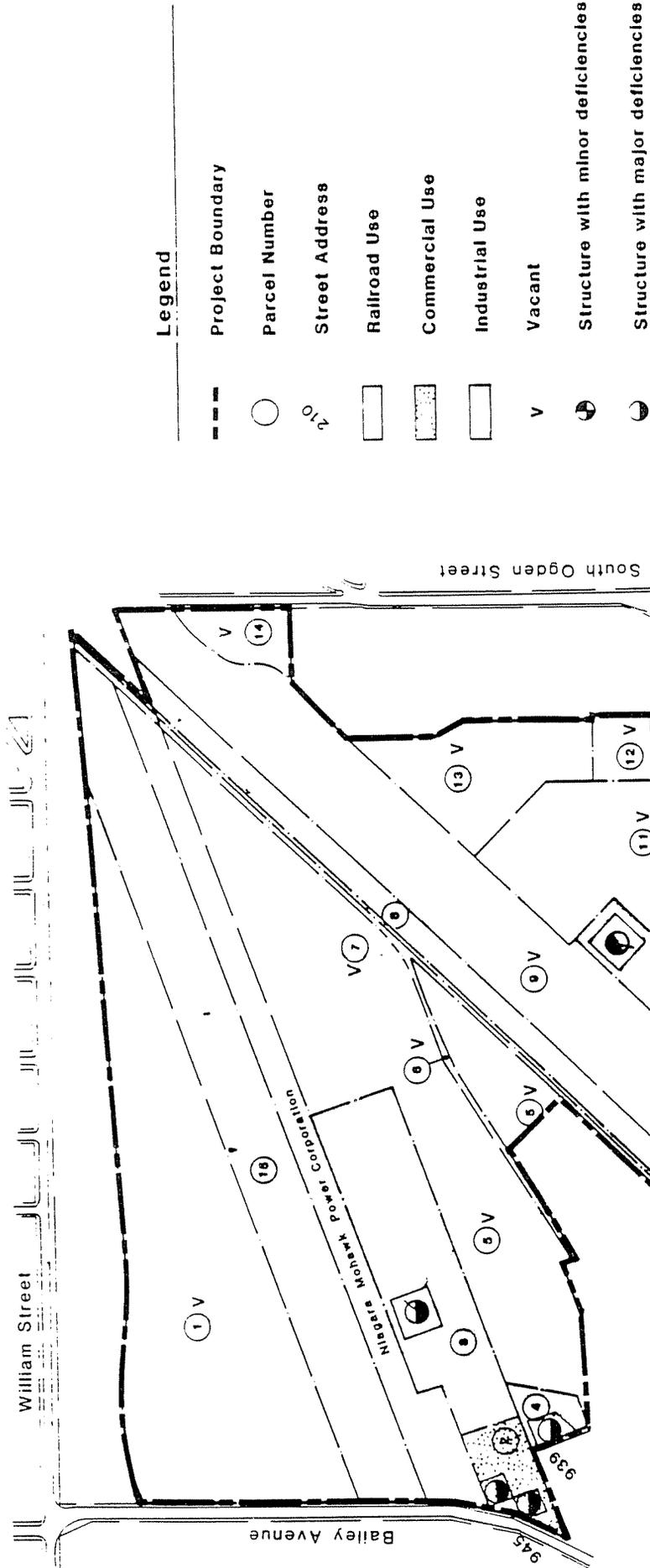


**Project Boundary Map**  
Exhibit B

**New Buffalo Industrial Park**  
Buffalo, N.Y. James D. Griffin, Mayor

Department of Community Development  
Lawrence Quinn, Commissioner

Prepared by Cannon Planning and Development  
2170 Whitehaven Road Grand Island, New York  
May 1982

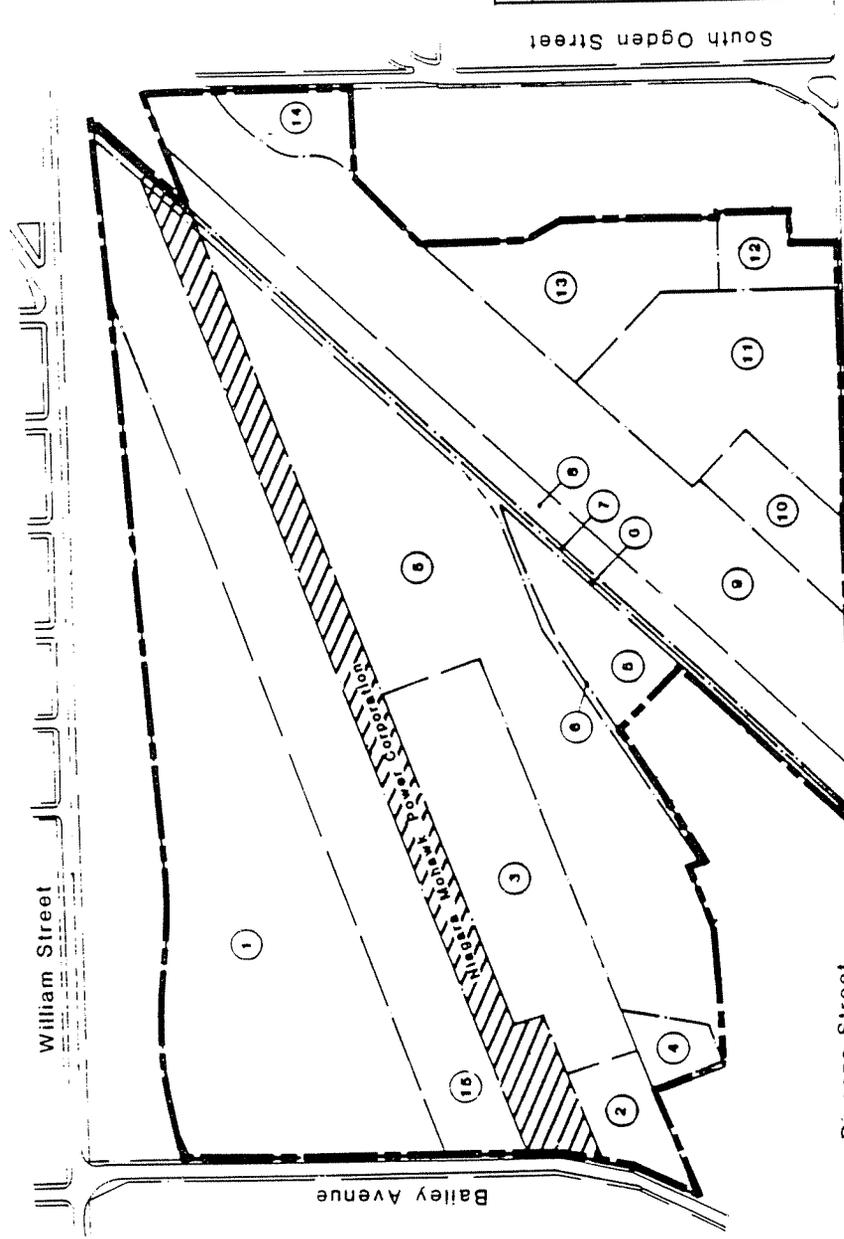


**Project Area Map**  
 Exhibit C  
**New Buffalo Industrial Park**  
 Buffalo, N.Y. James D. Griffin, Mayor

Department of Community Development  
 Commissioner  
 Lawrence Quinn  
 Prepared by Cannon Planning and Development  
 2170 Whitehaven Road Grand Island, New York  
 May 1982

**Legend**

- Project Boundary
- Parcel Number
- 210 Street Address
- ▭ Railroad Use
- ▨ Commercial Use
- ▭ Industrial Use
- V Vacant
- ◐ Structure with minor deficiencies
- ◑ Structure with major deficiencies



- Legend**
- Project Boundary
  - Parcel Number
  - Parcel Boundary
  - ▨ Land Not To Be Acquired

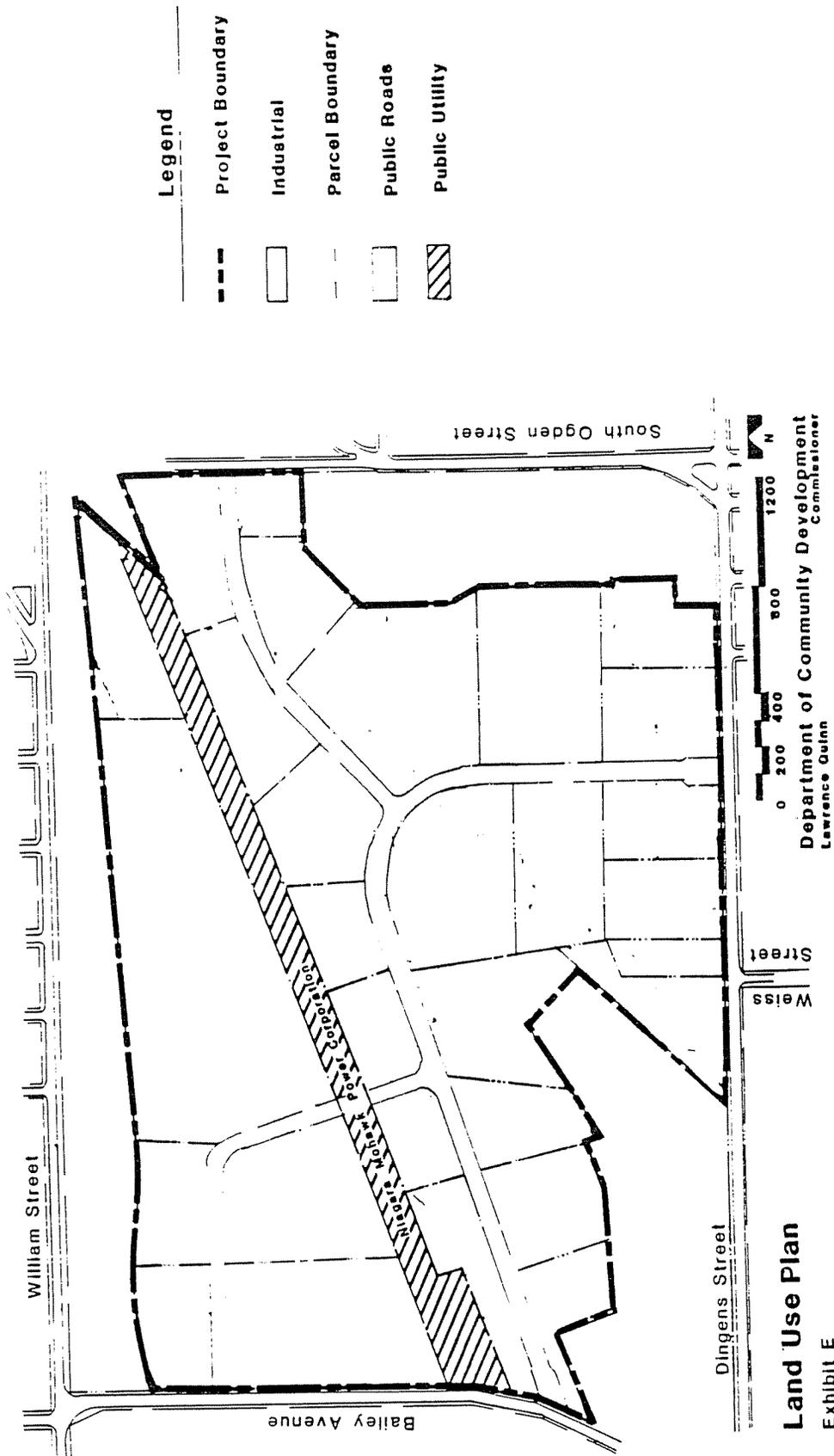
PARCEL	OWNER	ADDRESS	APPROXIMATE ACREAGE	SF
1	ERIE LACKAWANNA	BAILEY AVE.	15.8	1,173,948
2	ROCCO GUZZO	945 BAILEY AVE.	7.1	91,476
3	GEORGE PANEPINTO	945 BAILEY AVE.	9.8	426,888
4	WESLEY TERMINAL CORP.	939 BAILEY AVE.	1.0	43,560
5	WES DEVELOPMENT CO.	60 DINGENS ST.	23.77	1,035,421
6	WES DEVELOPMENT CO.	60 DINGENS ST.	2.9	126,124
7	CITY OF BUFFALO	DINGENS ST.	6.7	29,185
8	CONRAIL	DINGENS ST.	24.3	1,058,508
9	LEHIGH VALLEY R.R.	DINGENS ST.	2.75	119,790
10	KINTEX INC.	710 DINGENS ST.	2.75	119,790
11	NEWBANY CORP. (UPS)	DINGENS ST.	9.3	405,108
12	MOFFIN INC. (MOTEL 6)	DINGENS ST.	1.89	82,328
13	GORDON SMITH	700 S. ODGEN ST.	7.7	335,812
14	GORDON SMITH	700 S. ODGEN ST.	1.6	69,696
15	CONRAIL	DINGENS ST.	15.04	655,141
<b>TOTALS</b>			<b>136.32</b>	<b>5,894,638</b>

**Land Acquisition Map**  
Exhibit D

**New Buffalo Industrial Park**  
Buffalo, N.Y. James D. Griffin, Mayor

Department of Community Development  
Lawrence Quinn

Prepared by Cannon Planning and Development  
2170 Whitehaven Road Grand Island, New York  
May 1982



**Legend**

- Project Boundary
- Industrial
- Parcel Boundary
- Public Roads
- Public Utility

Dingens Street

**Land Use Plan**

Exhibit E

**New Buffalo Industrial Park**  
Buffalo, N.Y. James D. Griffin, Mayor

Weiss Street

0 200 400 800 1200 N  
Department of Community Development  
Commissioner  
Lawrence Quinn

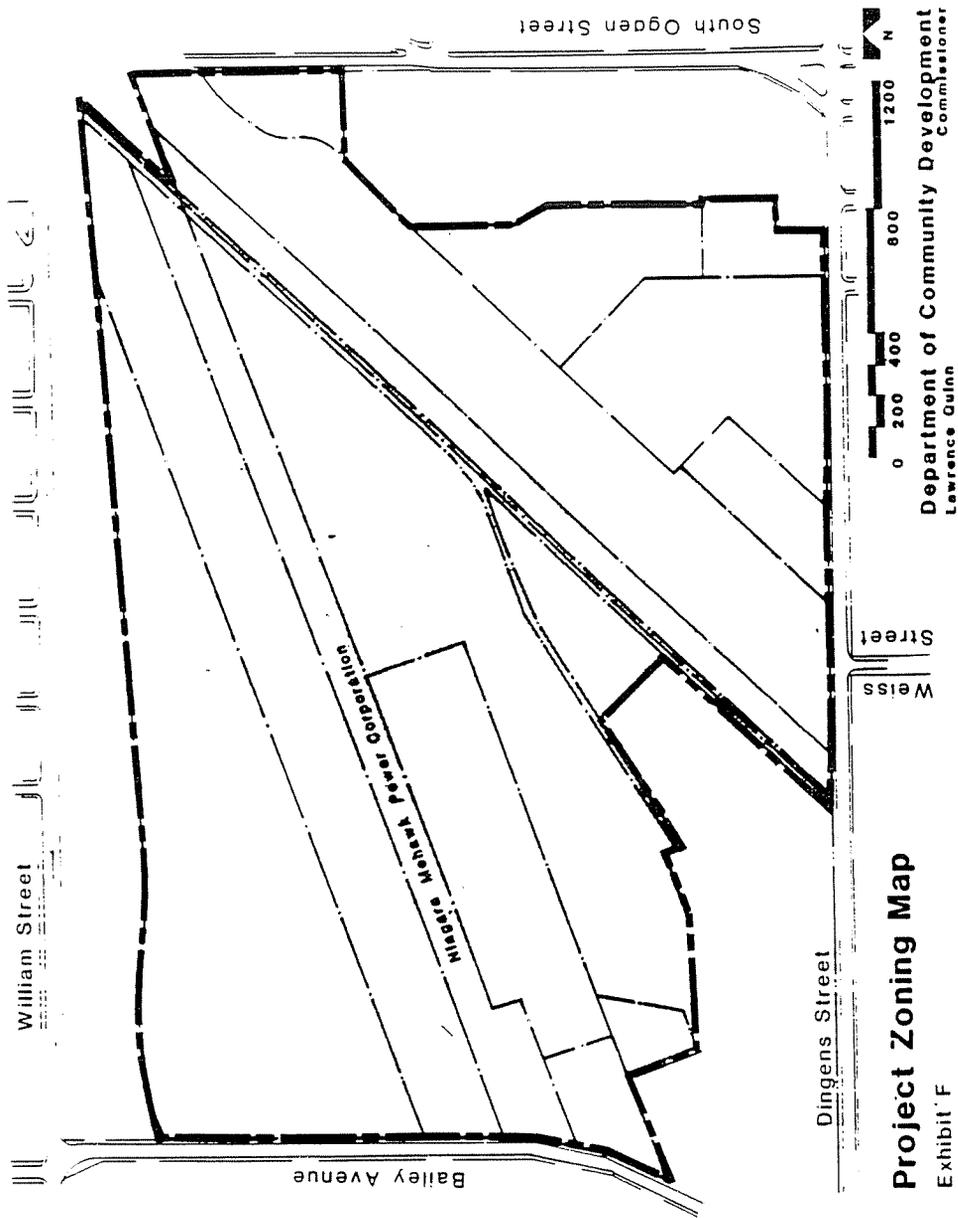
Prepared by Cannon Planning and Development May 1982  
2170 Whitehaven Road Grand Island, New York

South Ogden Street

William Street

Bailey Avenue

Willie Taylor Park Drive



**EXISTING ZONING**

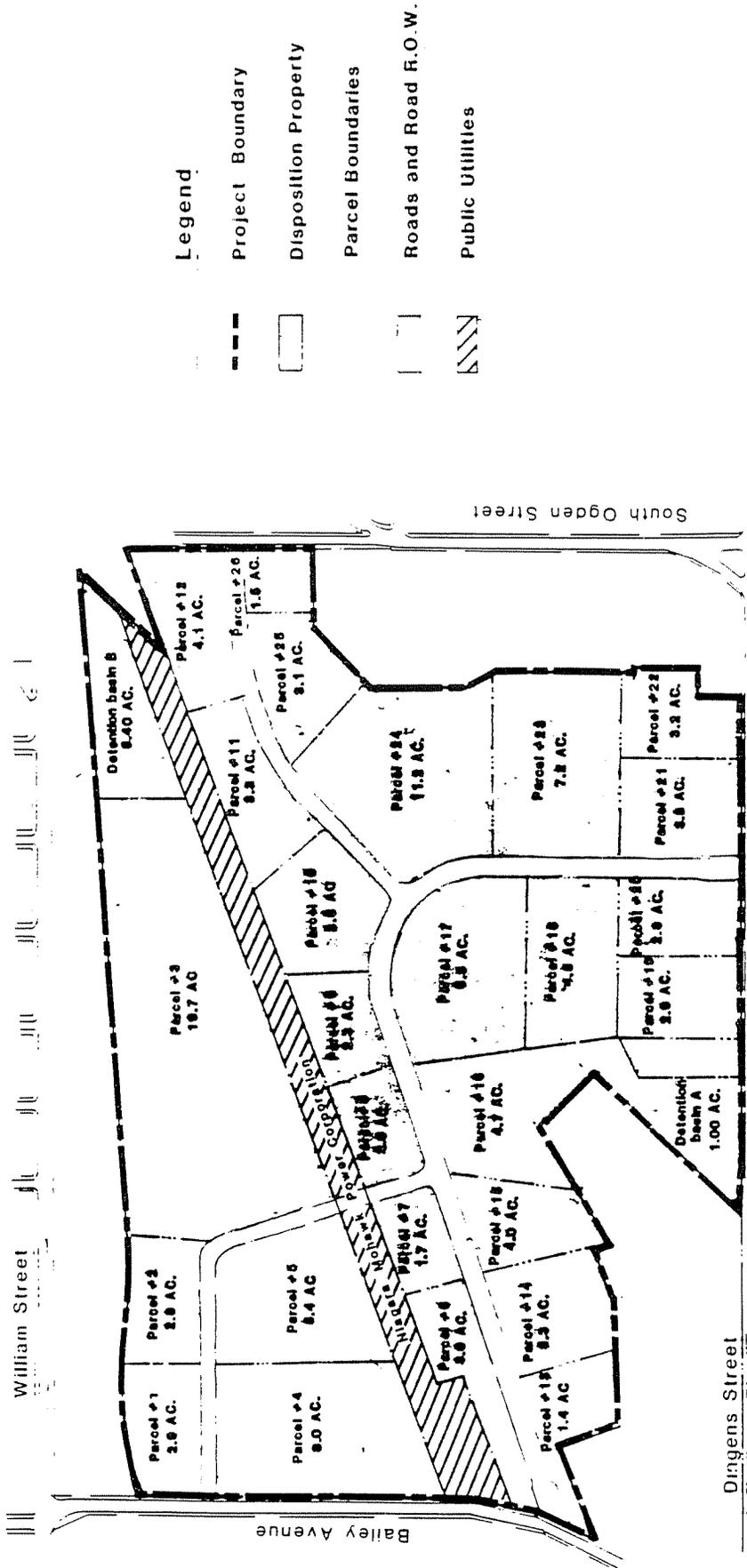
- Legend
- Project Boundary
  - General Commercial -CM
  - General Industrial -M-2
  - Parcel Lines

**Project Zoning Map**  
Exhibit F

**New Buffalo Industrial Park**  
Buffalo, N.Y. James D. Griffin, Mayor

Prepared by  
Cannon Planning and Development  
2170 Whitehaven Road  
Grand Island, New York

May 1982  
Lawrence Quinn  
Commissioner  
Department of Community Development



**Land Disposition Map**  
 Exhibit G

**New Buffalo Industrial Park**  
 Buffalo, N.Y. James D. Griffin, Mayor

Department of Community Development  
 Lawrence Quinn, Commissioner

Prepared by Cannon Planning and Development  
 2170 Whitehaven Road  
 Grand Island, New York  
 May 1982

STRUCTURAL CONDITION CHART

POINT COUNT	BLOCK NUMBER		MAJOR COMPONENTS										MINOR COMPONENTS							MECHANICAL				BUILDING STATUS			
	PARCEL NUMBER		FOUNDATION	EXTERIOR WALLS	ROOF STRUCTURE	FLOOR JOISTS & BEAMS	INTERIOR WALLS	SUBTOTAL A	EXTERIOR WALL FINISH	ROOFING	CEILINGS	STAIRWAYS	BASEMENT CONSTRUCTION	FLOORING MATERIAL	CHIMNEYS	DOORS & WINDOWS	CODE VIOLATIONS	SUBTOTAL B	PLUMBING SYSTEM	HVAC SYSTEM	ELECTRICAL SYSTEM	SUBTOTAL C	TOTAL A, B, & C	SOUND	MINOR DEFICIENCIES	MAJOR DEFICIENCIES	CLEARANCE
1	4	5	10	10	10	5	5	40	7	7	4	4	4	2	2	5	5	40	5	10	5	20	100	0	11	26	36
2	3	7	3	7	6	0	4	20	7	5	0	0	1	1	5	5	27	5	8	5	18	65					
3	7	6	7	6	6	0	4	23	7	6	0	0	2	2	5	5	27	5	9	5	19	69					
4	10	10	10	10	10	0	5	35	7	7	4	4	2	2	5	5	36	5	10	5	20	91					
5	10	10	10	10	10	0	5	35	7	7	4	4	2	2	5	5	36	5	10	5	20	91					

EXHIBIT H BUILDING STRUCTURAL CONDITION CHART

OTTO J. BECKER, R.C.A., DEPT. OF C.D.

EXHIBIT H (continued)

PROPERTY KEY - Structural Condition Chart

<u>Survey Parcel Number</u>	<u>Parcel Address</u>
#1	Kintex Building 210 Dingens Street
#2	A & R Waste Building 939 Bailey Avenue
#3	Standard Paving Building 945 Bailey Avenue
#4	Diner Building Bailey Avenue
#5	Midland Auto Building Bailey Avenue

OTTO J. BECKER, R.C.A.

EXPERIENCE:

Ten years in construction for one contractor, journeyman, foreman, superintendant and estimates.

Construction business, self-employed from 1928 to 1934.

From 1934 to 1946 - Chevrolet Division of General Motors, 2 years construction superintendant, 10 years maintenance superintendent, which included buildings, grounds, machinery, equipment and power plant.

Employees supervised; general foreman, foreman, electricians, pipe fitters, millwrights, carpenters, sheet metal workers, machine repair men, janitors, chip handlers, scrap sorters, painters, stock room clerks, laborers, and fire prevention employees.

During the war years there were 700 employees on three shifts under my supervision. I was promoted to plant engineer the day my resignation took effect.

Started my own construction business 5/1/46 - retired 9/1/68. During this time I made approximately 150 property appraisals for outside companies.

EDUCATION:

Elementary School.

High School - 4 years.

Night School - Engineering Course - 4 years; including mathematics, theory, drawing, and field work.

General Motors Corporation Management and Engineering Course - 2 years; made at intervals during my 12 years employment.

Department of Community Development, Rehabilitation Construction Analyst from 9/23/68 to present time.

# CITY CLERK'S OFFICE

CITY HALL

BUFFALO, April 16, 1952

To Whom It May Concern:

I **Hereby Certify**, That at a Session of the Common Council of the City of Buffalo, held in the City Hall, on the 10th day of November 1951, a resolution was ADOPTED, of which the following is a true copy:

No. 124

By Mr BAKOS:

**Site Designation  
New Buffalo Industrial Park  
Urban Renewal Plan**

WHEREAS, the Commissioner of Community Development has recommended that all that tract of land situated in the City of Buffalo beginning at the point of intersection of the southerly line of William Street and the easterly line of Bailey Avenue, thence extending southerly along the easterly line of Bailey Avenue to the northerly line of Dingens Street; thence extending easterly along the northerly line of Dingens Street to the westerly line of South Ogden Street, thence extending northerly along the westerly line of South Ogden Street through to the point of intersection with the southerly line of William Street; thence extending westerly along the southerly line of William Street to the point of beginning be designated as a

substandard, insanitary area which tends to impair or arrest the sound growth and development of the municipality, and be designated as being appropriate for urban renewal; and

WHEREAS, the designation of said area will allow for the replanning and redevelopment of the area into prime light industrial land, which will provide new job opportunities and bring this land back to the tax rolls.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BUFFALO THAT: All that tract of land situated in the City of Buffalo beginning at the point of intersection of the southerly line of William Street and the easterly line of Bailey Avenue, thence extending southerly along the easterly line of Bailey Avenue to the northerly line of Dingens Street; thence extending easterly along the northerly line of Dingens Street to the westerly line of South Ogden Street; thence extending northerly along the westerly line of South Ogden Street through to the point of intersection with the southerly line of William Street; thence extending westerly along the southerly line of William Street to the point of beginning is hereby designated, pursuant to Section 504 of the General Municipal Law as being substandard and as being appropriate for urban renewal treatment; as defined in subdivision 3 of Section 502 of the General Municipal Law.

BE IT FURTHER RESOLVED THAT: The Commissioner of Community Development is hereby directed and authorized to prepare, or cause to be prepared, an Urban Renewal Plan for the redevelopment of the above designated area as a planned industrial park.

Adopted.

EXHIBIT J  
PROJECT AREA DESIGNATION

# New Buffalo Industrial Park Dingens Street - Buffalo, New York

