

Pre-“With All Due Respect” Commentary by Art Giacalone (July 2013):

Note: A version of the following op-ed piece was published in the “Another Voice” column of *The Buffalo News* on July 30, 2013, under the headline, “Required Peace Bridge environmental review remains undone”

[<http://www.buffalonews.com/opinion/another-voice/required-environmental-review-remains-undone-20130730>], and as a letter-to-the-editor in the weekly edition of *ArtVoice* on August 1, 2013 under the headline, “Peace Bridge Expansion – Déjà vu with an Episcopalian Twist” [http://artvoice.com/issues/v12n31/letters_to_artvoice].

Peace Bridge Expansion – Required environmental review remains undone

The Peace Bridge Authority and its governmental allies have spent more than twenty years in pursuit of two goals.

The first objective is lawful and has been expressed openly. The international bridge authority wants to relieve congestion and improve traffic flow at the Peace Bridge.

In contrast, the PBA’s second goal lacks legitimacy and transparency. With the aid of various State agencies, the bridge authority has steadfastly sought ways to avoid examining the cumulative environmental and health impacts of proposed bridge and plaza enhancement projects on the adjacent residential community.

As Justice Eugene M. Fahey observed in 2000, the PBA and its governmental supporters have “strained mightily to avoid the commonsense conclusion” that traffic flow over the Peace Bridge “is acutely dependent on traffic flow through the current or any proposed new plaza.” The government decision-makers had been engaged in what Justice Fahey characterized as “strategems to avoid the required environmental review.”

In the 1990s, as many Western New Yorkers painfully recall, the PBA proposed construction of a second international bridge. Also under consideration at that time were a number of Canadian and U.S. projects meant to improve the efficiency of the connecting roadways and respective plazas. Various parties, including the City of Buffalo and, interestingly, the Episcopal Church Home of WNY, went to court in 1999 to compel the government agencies to comply with the State’s environmental review laws by considering the cumulative impact of bridge and plaza construction.

Justice Fahey wisely ruled that “the bridge and the adjoining plaza with the connecting roadways are a single, inseparable development entity” in terms of traffic flow and impacts on the neighboring residential community, and ordered the PBA and State to examine the cumulative impacts of the proposed bridge construction and the related plaza and connected roadways projects.

More than a dozen years later, the PBA is still engaged in strategems to avoid consideration of the cumulative environmental impacts of projects meant to enhance traffic

handling and expand the existing U.S. plaza. The acquisition in June of the Episcopal Church Home property on Busti Ave. by the Empire State Development Corporation (“ESD”) is the most recent example of such a scheme.

Plans to expand the U.S. plaza to include the three-plus acre site occupied by the Episcopal Church Home have been in the works for a number of years. In May 2012, the PBA adopted a resolution describing “several potential projects designed to improve traffic handling and relieve congestion” in the area of the U.S. plaza. They included what the PBA characterized as “a modest expansion of the plaza” to include the Episcopal Church Home property, the Busti Ave. block where eight residences have since been demolished, and adjoining public rights of way; a bridge approach widening project; modifications to plaza egress; and, an addition to the existing Customs Commercial Building. Each of these interlinked projects was identified in the “Peace Bridge Understanding” announced by Gov. Andrew Cuomo and the PBA on June 26, 2013 following our Governor’s embarrassing efforts to bully our Canadian neighbors. In a surprisingly candid moment, court papers filed in May 2013 by three Episcopal Church Home organizations expressly state that “ESD intends to develop [the church home] property as part of an expanded Peace Bridge Plaza.”

However, despite these plans and the rationale expressed in Justice Fahey’s 2000 court decision, Empire State Development acquired the church home property on June 28, 2013 WITHOUT first examining the cumulative impacts of the various projects. According to the State agency, although the land “may be needed” for future plaza expansion, it was being acquired “to remove blight from the area surrounding the bridge and the community.”

Tellingly, the Episcopal Church Home (the entity responsible for “the blight” that allegedly needs to be eliminated) went along with this ruse rather than insisting, as it had in 1999, that cumulative environmental impacts be considered for the good of the nearby residential community. The State’s willingness to pay \$4.7 million for property appraised at \$1.8 million, and to release all liens and claims the Dept. of Health held against the property and its owners (a move that appears to be an unconstitutional “gift” by the State to a private entity), seems to have made a venerable not-for-profit organization lose sight of the health and wellbeing of the neighborhood it has decided to abandon.

Sincerely,

Arthur J. Giacalone