

# BROWNFIELD OPPORTUNITY AREA PROGRAM

## REQUESTING BOA DESIGNATION

*Guidance for applying to the Secretary of State for a BOA Designation*

### BOA Designation Benefits

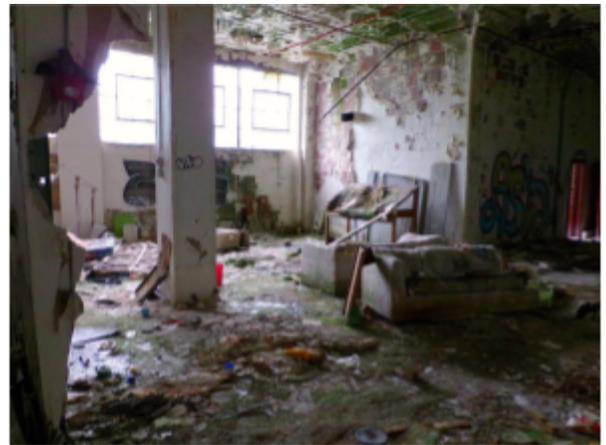
Designation of a Brownfield Opportunity Area (BOA) adds another tool for communities to realize the vision and goals as outlined in their BOA plan, while returning brownfield sites to productive use, and restoring environmental quality. By requesting designation of a BOA, a municipality or community-based organization affirms its commitment to transforming blighted or vacant properties to community assets. Official designation by the Secretary of State confirms that the BOA Plan is consistent with the applicable provisions of Article 18-C, Section 970-r of the General Municipal Law. Resulting tools and incentives to stimulate reinvestment in the area include:

**Support** – The NYS Department of State (DOS) is committed to providing ongoing support to pursue implementation of BOA Plans in designated BOAs.

**Priority and Preference** – Projects within a designated BOA may receive priority and preference in some state grant programs, including the Local Waterfront Revitalization Program and the Department of Environmental Conservation’s (DEC) Environmental Restoration Program.

**Predictability** – Designation of a BOA demonstrates community endorsement of the plan’s goals. This removes the risk and uncertainty associated with investment in a transitional or marginal market by assuring potential developers that their investment is part of a locally-supported vision for the area, and by providing confidence that development proposals consistent with the BOA Plan are likely to be approved.

**Brownfield Cleanup Program (BCP) Tax Credit** – Developers participating in the Brownfield Cleanup Program to remediate and redevelop sites in a designated BOA are eligible for a tax credit “bump-up” of 5% if the development advances the BOA plan. The bump-up makes brownfield redevelopment more attractive and provides an added incentive for investors to propose projects that realize the community’s vision.



*The abandoned Vacuum Oil Works building in Rochester, NY. The BOA Plan for this area includes adaptive reuse of structures, trail enhancements, green infrastructure projects, and public access to the Genesee River.*

### Designation Application Process

To request designation of a BOA, a municipality or community-based organization must submit the following materials:

**1. Letter of Request** – A cover letter from the applicant requesting consideration by the Secretary of State for a determination to designate a Brownfield Opportunity Area.

**2. Public Notice and Presentation of Supporting Documentation** – Documentation demonstrating required public engagement has been completed, including the following activities:

- Identification of the interested public and preparation of a stakeholder contact list.
- Provision of the BOA Nomination and other designation supporting documents.
- Public notice and notice of intent to seek BOA designation published in the local newspaper(s) and the availability of the Nomination and any supporting documents for public review.

**3. BOA Nomination** – A complete BOA Nomination document that presents a plan for the revitalization of the proposed BOA should be submitted and be organized using tabs and/or a cover sheet to identify the location of the following required elements within the Nomination document:

- *Brownfield Opportunity Area Boundary*
- *Identified Brownfield Sites*
  - ✓ A map showing each known or suspected brownfield site in the proposed BOA.
  - ✓ Profiles with a summary and analysis of each relevant brownfield, abandoned, and vacant site, including size and condition, ownership, current groundwater conditions, potential contamination issues, existing infrastructure, proximity to existing transportation networks, natural and cultural resources or features, and environmental and land use history.
  - ✓ A description of individual brownfield sites that, with the consent of the site owner, may be candidates for site assessment funding.
- *Potential Development*
  - ✓ A listing of potential developments for specific sites within the BOA proposed by the current or the prospective owners.
  - ✓ Documentation of meetings and workshops that have occurred to attract a developer to such sites.
  - ✓ Maps identifying strategic redevelopment sites within the BOA and a description of future uses.
  - ✓ A list of local legislative/regulatory actions which may be required to facilitate redevelopment.
  - ✓ An analysis that identifies anticipated future land uses, including residential, commercial, industrial, recreational or cultural.
  - ✓ A map of private and public land ownership patterns.
  - ✓ A map showing the publicly controlled and other developable lands and buildings within the proposed brownfield opportunity area.
- *Community Support*
  - ✓ Documentation of public outreach methods and techniques used to ensure public participation throughout preparation of the BOA Nomination.
  - ✓ A vision statement and specific short and long-term goals/objectives to be achieved relative to community redevelopment and revitalization as shaped and expressed by the community.



*The Pierce Arrow project site in Buffalo, NY was once a gas manufacturing site. The brownfield cleanup entailed removal of contaminated soils and underground storage tanks. Future redevelopment will feature one and two-bedroom apartments and loft units.*

## Submission Instructions

Submit one electronic copy of all materials listed above to:

### BOA Nomination

New York State Department of State  
Office Planning, Development and Community Infrastructure

99 Washington Avenue, Suite 1010

Albany, NY 12231

Attn: BOA Program