

SECTION 10 STATE ENVIRONMENTAL QUALITY REVIEW FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the HAMBURG INDUSTRIAL DEVELOPMENT AGENCY, as an Involved and Lead Agency, makes the following Findings.

Name of Action: Lake Erie Industrial Park

Description of Action: The proposed development of an industrial park on two parcels of land on approximately 145± acres.

Location: Bayview Road just east of NYS Route 5, approximately 8± miles south of the downtown area of the City of Buffalo.

Date Final EIS Accepted: June 21, 1999

FACTS AND CONCLUSIONS IN THE EIS RELIED UPON TO SUPPORT THE DECISION:

Facts:

- The property is properly zoned for the construction of an Industrial Park.
- The site is not within or adjacent to any wetland areas previously mapped by the NYSDEC and protected under Article 24 of the Environmental Conservation Law, commonly known as the Freshwater Wetlands Act.
- Based upon the technical information calculated during ECWA's testing the industrial park will have a constant and reliable source of water to satisfy its operational needs without affecting the surrounding industrial, commercial and residential users.
- All site development within the park will require Planning Board approval.

Alternatives Considered

In accordance with the SEQR regulations the EIS included a description and evaluation of the range of reasonable alternatives, these alternatives included the following:

- No Action Alternative
- Alternative Magnitude of the Project
- Design Alternatives
- Alternative Land Uses

Adverse Effects

Implementation of this action will result in adverse environmental effects that cannot be avoided. The following such effects were identified:

- Topographic and drainage modifications required for development of each parcel may result in some short-term soil loss, erosion, and increased sediment levels in the drainage ditches tributary to Foster Creek;
- Some of the existing vegetation will be removed to allow for infrastructure and individual site development;
- There will be increases in the level of traffic (automobiles and trucks) associated with the new facilities located in the park, as well as on the surrounding commuting routes; and
- Noise and air emissions associated with the additional traffic will increase.

Assumptions

- Assumptions were made in the traffic studies (see FGEIS p. 85)
- Sewer capacity and water availability/pressures will remain adequate while the park is operational.
- All corporations in the park will have uses that fall within the M-3 zoning of General Industrial
- The creation of the Lake Erie Industrial Park will have beneficial impacts on the local community such as increased jobs and tax base.

CONDITIONS/MITIGATION PROPOSED

The following conditions/mitigation's are being proposed to minimize, to the maximum extent practicable, the adverse environmental impacts of this project. These conditions/mitigation's were identified by weighing and balancing the relevant environmental impacts with social, economic and other considerations (zoning of site, studies performed, court decisions relevant to the project, etc.).

A. Impact on Land

1. The development and implementation of a Storm Water Pollution Prevention Plan in accordance with the Town of Hamburg regulations as well as the requirements and guidance of NYSDEC's SPDES General Permit GP-93-06 for all site development within the Lake Erie Industrial Park will ensure that construction sites and areas of disturbance are revegetated as soon as possible and that soil loss is minimized.
2. Comply with the general practices outlined in the New York Guidelines for Urban Erosion & Sediment Control (October 1991), and as specified in the NYSDEC's SPDES General Permit No. GP-93-06, and the regulations of the Town of Hamburg.
3. If blasting is necessary, a Town of Hamburg "Fire Prevention Code Chapter 13" permit will be secured from the Town's Building Inspector for

the use of “explosives, ammunition, and blasting agents.” The Building Inspector will review the blasting proposal and determine if a pre-blast survey is appropriate. If a survey is required, it will be completed prior to any blasting.

B. Impact on Water

1. In accordance with the Town of Hamburg’s zoning ordinance, Section 29-10, no industrial facilities will be located within the 100-year floodplain as delineated on the Town’s official Flood Insurance Rates Maps (FIRM's).
2. A “Storm Water Pollution Prevention Plan” shall be prepared and implemented for all development, including infrastructure as well as individual sites, within the Lake Erie Industrial Park. Such plans will be prepared in accordance with the Town of Hamburg’s regulations as well as the NYSDEC’s guidance for preparing “Stormwater Management and Erosion Control Plans” and filed in accordance with the NYSDEC regulations and SPDES General Permit (for storm water discharges from construction activities) issued subject to the Clean Water Act and the Federal storm water regulations.
3. A “Storm Water Pollution Prevention Plan” will be developed by the operator for each facility locating within the within the Lake Erie Industrial Park and filed in accordance with the Town of Hamburg regulations as well as the NYSDEC regulations and, if appropriate, SPDES General Permit (for storm water discharges from construction activities) issued subject to the Clean Water Act and the Federal storm water regulations. Each plan, will identify the potential sources of pollution and ensure the implementation of practices which will reduce the pollutants in storm water associated with industrial activities at the facility. These plans for facilities within the proposed Lake Erie Industrial Park will provide for compliance on or before the submission or filing of the required Notice of Intent, Termination or Transfer (NOITT).
4. All site development will include storm water management facilities which will be designed and constructed in accordance with NYSDEC’s Storm Water Management Guidelines.
5. An Industrial Waste Survey/Discharge Permit is required, for any facility meeting those thresholds.
6. Quality of Wastewater must be thoroughly documented and the presence of toxic and/or inorganic substances should be clearly stated.
7. Post-development runoff from the corporate park development shall allow no increase in flow to occur at existing NYSDOT drainage structures; the criteria for no increase in flow shall be the peak flows of 10, 25, and 50 year design storms.
8. Post-development runoff from the corporate park site shall not exceed the NYSDOT 50 year design criterion at the existing NYSDOT drainage structure.
9. In accordance with existing Town of Hamburg storm water management policy, design for storm water management facilities will limit 25 year storm post-development runoff from the industrial park to volume equal to that of a 10-year storm for the park area in a pre-development condition.

C. Impact on Plants and Animals

A landscaping theme is required for the industrial park, it should include the following:

1. A vegetative buffer will be preserved along the westerly property line
2. A vegetative buffer will be preserved along the adjacent rail lines
3. The inclusion of clusters and lineal groups of trees in the overall site design wherever practicable
4. Vegetated and landscaped central drainage basin areas
5. On each lot, landscaping which will include the planting of trees and shrubs in accordance with the Design Parameters
6. Vegetative islands within impervious parking pavement areas
7. Due to the presence of a small deer population on site, the landscaping theme will give consideration to deer browsing preferences.

D. Impact on Aesthetics Resources and Growth & Character of Community or Neighborhood

1. The design and development of the industrial park will be undertaken in accordance with the Town's LWRP policy (25) to "protect, restore, or enhance the natural and manmade resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal areas."
2. Restrictive Covenants will be developed by the Krog Corporation (and reviewed and approved by the Town) which will place controls on items such as: junk storage, incompatible land uses, maximum building height, building construction materials, signs, the location of parking and loading docks, property maintenance responsibilities, and landscaping requirements.

E. Impact on Transportation

1. The following summarizes the transportation related mitigative measures. These mitigations are assumed to be the responsibility of the developer unless they are projects presently proposed by the State or County. These measures will reduce any effects on adjacent traffic resulting from development of the entire 140 acre parcel known as the Lake Erie Industrial Park. The mitigations must take place prior to the construction of the referenced phase or whenever trip generation thresholds are projected to be reached. Individual traffic calculations will be submitted for each phase and checked against the thresholds and the original T.I.S.

Phase I (up to 110,000 s.f. of buildings and/or 767 AADT)

- Bay View Road at Route 5 remains open

Phase II (up to a total of 525,769 s.f. of buildings and/or 3665 AADT - Phase 1 & 2)

- Construct a new access road from LEIP to Route 5. This requires a NYSDOT approval for a break in access.
- Cul de sac Bay View Road on the east side of Route 5
- Construct a connection between Hoover Road, Route 5, and the new LEIP access road
- Install a fully traffic actuated 3 color signal at the new access road intersection with Hoover Road and Route 5. The traffic signal will operate in a flashing mode until such time as actual traffic conditions warrant a 3-color operation
- Construct eastbound and westbound left turn lanes and a 200 foot eastbound right turn lane on Route 5 at the new LEIP access road/Hoover Road intersection. The fourth existing eastbound Route 5 travel lane that is dropped east of Bayview Road needs to be either removed or extended to accommodate the noted right turn lane at the access driveway.
- Close the existing Route 5 median openings at both Hoover Road and at Bay View Road. This will include the removal of the westbound left turn lane at Bay View Road.
- The western leg of Bay View Road at Route 5 may remain open for right in/right out operation

Phase III (up to a total of 977,486 of buildings and/or 6813 AADT - Phase 1 & 2 + 3)

- Prior comments on this project of August 8, 1994 are still appropriate for Phase III mitigation. (The following items outline those comments).
- The developer should extend the Phase II Access Road south to New Big Tree Road. This Roadway should consist of two exit lanes and one entrance lane.
- The developer should provide left turn storage on Big Tree Road into the Access Road.
- The developer should permit driveway access to the access road for the trucking firm located on the corner of Route 75 and Big Tree Road.
- NYSDOT will determine the appropriate alternative for Route 75 at the traffic circle and Big Tree Road during the scoping and design phases of project PIN 5545.13. The present alternatives are:

Alternative I - This alternative would involve conversion of the traffic circle into a 4-legged intersection. The existing southbound access ramp north of the circle would be reconstructed and widened to carry two-way traffic. It would split north of the BIN 1-06305, where the southbound ramp would continue on the existing alignment and a new roadway would be constructed to carry northbound traffic. This new roadway would merge into the existing northbound ramp approximately 304m (1000ft) south of NY Route 5. The existing northbound access ramp between the traffic circle and access road would be utilized to provide access for the trucking

facility on the northeast quadrant. BIN 1-06305-0 on the southbound access ramp over Foster Brook would be replaced. NY Route 75 from the terminus of PIN 5545.11 to the new intersection at New Big Tree Road/Lakeshore Extension would be reconstructed.

Alternative 2 - This alternative involves elimination of the traffic circle by closing off New Big Tree Road from old Big Tree Road to the traffic circle, thus diverting traffic to the existing 4-legged intersection... A slight realignment would also include elimination of the existing access road connecting northbound and southbound NY Route 5 access ramps. A new access road would be built opposite the trucking facility driveway and would intersect both ramps at a right angle. Old Big Tree Road would be reconstructed and widened to provide two 3.6 m (12 ft) lanes and 2.4 m (8 ft) shoulders. The culvert on Old Big Tree Road would be replaced utilizing a 5.5 m X 1.8 m (18' X 6") RCB. Ingress and egress to the Lakeshore Extension on the southbound access ramp would be restricted to only right turns.

F. Impact on Public Health & Safety

1. Contractors will adhere to the Town of Hamburg's Construction Specifications that limit construction noise and require correction of dusty conditions.
2. Individual facilities and operations within the industrial park will comply with the Town of Hamburg's zoning ordinance which does not allow uses which normally results in the "dissemination of atmospheric pollutant, noise, vibration or odor, beyond the boundaries of the premises on which the use is located."
3. A natural buffer area will be retained along the eastern boundary (the railroad tracks) of the southern parcel. This buffer area will serve several functions: one such function will be the buffering of nearby residential areas (Bayview and Steelton) from dust, odors, and noise from the industrial operations and their associated traffic.

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Draft and Final GEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6NYCRR 617.9, this statement of Findings certifies that:

1. The requirements of 6NYCRR Part 617 have been met.
2. From among the reasonable alternatives available and consistent with social, economic, and other essential considerations, this action avoids or minimizes adverse environmental impacts to the maximum extent practicable and any adverse environmental impact will be avoided or minimized to the maximum extent practicable by incorporating such mitigating measures which were identified as practicable, which measures are set forth above under the heading:

CONDITIONS/MITIGATION'S PROPOSED

Name of Agency: HAMBURG INDUSTRIAL DEVELOPMENT AGENCY

Address of Agency: S6100 South Park Avenue, Hamburg, NY 14075

Responsible Official: Michael J. Bartlett

Date: _____ Signature of Responsible Official : _____

A copy of this notice sent to:

NYSDEC, Region 9, Regulatory Affairs (Buffalo)
Supervisor, Town of Hamburg
NYS Department of Transportation
Erie County DEP & Health Department
Town of Hamburg Engineering Department
Town of Hamburg Planning Department
Applicant
Applicants Engineer