

**DRAFT SUPPLEMENTAL
GENERIC ENVIRONMENTAL IMPACT STATEMENT
LAKE ERIE COMMERCE CENTER**

LOCATION: Bayview Road and NYS Route 5
Town of Hamburg
Erie County, New York

DATE: January 15, 2012

LEAD AGENCY: Town of Hamburg Town Board
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Date of Acceptance of the Draft
Generic Environmental Impact Statement: January 23, 2012

Date of Public Hearing on Draft Generic
Environmental Impact Statement: February 27, 2012

Deadline for Submission of Comments: March 9, 2012

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EXECUTIVE SUMMARY

The proposed action involves an application from the Hamburg New York Land Development Company for the approval of Pre-Permitted Site Designation for approximately 134 acres of land situated along Bayview Road and NYS Route 5, in the Town of Hamburg, Erie County, New York (Map 1 – Regional Setting). The objective of this action is to satisfy the SEQR requirements for the project site through the preparation of a generic environmental impact statement, thereby allowing future proposed projects within the Lake Erie Commerce Center to proceed directly to the Town for site and building permits. Completing the advanced environmental review and other work required allows businesses the opportunity to construct new facilities through an expedited permitting process.

The project area, formerly known as the Lake Erie Commerce Center, was the subject of a previous SEQR review that included the preparation of a Generic Environmental Impact Statement (GEIS). The SEQR process for this project was completed in 1999. In accordance with the Town of Hamburg Pre-Permitted Site Incentive Law, pre-permitted site designation for properties previously reviewed under SEQR requires the preparation of a Supplemental GEIS.

The project site consists of approximately 134 acres of land located on the north and south sides of Bayview Road, immediately east of NYS Route 5 (Map 2 – Site Location). The subject property is bisected by Bayview Road, with approximately 70.49 acres situated south of this roadway and the remaining 63.5 +/- acres located to the north. The project site is comprised primarily of open lands, with areas of brush and woodlands, and a few small areas of wetlands. With the exception of one single-family residential dwelling, no structures exist on the site (see Figure 1).

Environmental Quality Review of the Project Pursuant to SEQRA

Pursuant to Article 6 of the New York State Environmental Conservation Law (6 NYCRR, Part 617), the New York State Environmental Quality Review Act (SEQRA) provides a process for governmental and other agencies to consider potential significant adverse environmental impacts during the initial stages of funding, permitting or approving proposed actions. By incorporating a systematic, interdisciplinary approach to environmental review in the early stages of the process, impacts can be identified and projects or actions can be modified, as needed, to avoid or minimize potential adverse impacts to the environment. All discretionary actions or approvals by state, regional or local agencies to approve, fund or directly undertake an act that may affect the environment are subject to review under SEQR. It is the intent of SEQRA that protection and enhancement of the environment and community resources be balanced with social and economic factors as part of the decision-making process.

The Town of Hamburg Town Board was designated as the SEQR Lead Agency for the proposed action, as this Board has the primary jurisdiction over the approval for the proposed project. Through the coordinated review process, other Involved and Interested Agencies were provided the opportunity to provide comments on the proposed action and concur with this designation.

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Based on the determination of the Lead Agency, the preparation of a Supplemental GEIS (SGEIS) was required for the Lake Erie Commerce Park Project. The SGEIS affords the opportunity to evaluate the broad range of anticipated impacts and ensures that related actions will not be segmented in order to avoid the required analysis of future development actions on the project site. This SGEIS allows the Town, as Lead Agency, to establish thresholds for future environmental review that may arise in the future, which must be outlined in the SEQR Statement of Findings for the project.

The conceptual plans that were developed for the Lake Erie Commerce Park project site illustrate the possible organization of potential land uses and the magnitude for future use of the site. The final form of site development and the time period for future development will depend on market demand and cannot be determined at this time. Therefore, a generic assessment of future site development is the appropriate mechanism for evaluating the potential impacts of this action.

Pursuant to the requirements of SEQR, this SGEIS and the conceptual development plans for the proposed action will be subject to review and comment by the Involved and Interested agencies and the public. Opportunities for future agency and public involvement include the publication of notifications related to the project, a public comment period for the SGEIS, a public hearing, a public consideration period following the completion of the Final Generic Environmental Impact Statement (FSGEIS) and preparation of the Statement of Findings by the Lead Agency and other Involved Agencies (if necessary).

Potential Adverse Environmental Impacts

SEQR requires a lead agency to balance the social, economic and environmental impacts of a proposed project. Various measures will be taken to avoid, minimize and/or mitigate potentially significant adverse environmental impacts to the maximum extent practicable. The identified environmental impacts associated with the proposed development of the Project Site are summarized as follows, and are discussed in detail in Section 4 of this DGEIS.

- Land and Soils

The subject property is primarily comprised of open lands, with areas of brush and woodlands, and a few small areas of wetlands. Temporary impacts, such as erosion, dust, runoff and/or sedimentation may occur during construction, but measures will be put in place to minimize these impacts.

Appropriate engineering measures may also be required to address potential issues with soil drainage and stabilization for structural footings. Through the use of appropriate mitigation measures for future site development, no significant, long-term negative impacts to land or soils are anticipated.

- Water Resources

To limit potential impacts to groundwater resources, stormwater will be managed, as required in accordance with the Town of Hamburg Stormwater Management and Erosion and Sediment Control Law. For future land disturbances that exceed one or more acres, a permit for construction and the preparation of a Stormwater Pollution Prevention Plan will be required. This Plan will comply with the requirements of the New York State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), which requires water

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quantity controls for channel protection, overbank flooding and extreme storms, water quality treatment and a reduction in the volume of runoff generated from newly constructed impervious surfaces. New infrastructure will be constructed to better manage water resources (new public water and sewer lines and area-wide stormwater management system). Wetlands that exist on the subject property will be avoided; buildings will be located away from these resources. Under these conditions, no significant negative impacts to water resources are expected.

- Ecological Resources (Vegetation and Wildlife)

The subject property contains a mix of shrubs and old field habitat that is in various stages of succession growth, with a number of small areas of federally-regulated freshwater wetlands. No rare, threatened, special concern or endangered species were identified on the site; the site is not a locally or State-designated significant habitat. Identified wetlands were re-evaluated and little change was noted since the original delineation was performed. However, at the time of site development, updated wetlands delineation will be required to determine the current location and extent of these on-site resources to ensure that they will be avoided and protected from site development to the greatest extent possible. Therefore, no significant adverse impacts to vegetation or wildlife are anticipated.

- Floodplains

Only a small area in the southwestern portion of the subject project site falls within the boundaries of a 100-year floodplain. Any future development that is proposed in this area must comply with the requirements of the Town of Hamburg Flood Damage Prevention Law. Therefore, the proposed action is not anticipated to result in significant adverse impacts on floodplain resources.

- Climate and Air Quality

Restrictions in the Town of Hamburg Zoning Ordinance and limitations on proposed uses in the SGEIS will prohibit smoke-stack industries on the subject property. The NYSDEC regulates air emissions, and any and all discharges to the atmosphere would be required to be in full compliance with State and Federal air quality permitting standards. Projected traffic volumes, even at full build-out, would not be large enough to result in significant air quality impacts. Therefore, no significant negative impacts to climate or air quality are anticipated.

- Land Use and Zoning

The future development of the Lake Erie Commerce Center property will change land use in the area. The large area of open space on the site will be developed with business and manufacturing uses. The proposed action is located within the area identified for future commercial and industrial development in the Town of Hamburg Comprehensive Plan. Commercial and industrial growth in this area is also supported by the Erie County Framework for Regional Growth. The site is also rezoned M-3 General Industrial, which would allow for future industrial use on the site. However, certain uses allowed within the M-3 district may not be appropriate for this specific area and could result in potential environmental impacts that have not been fully evaluated in the SDGEIS. These heavy industrial uses (including lumber yards, coal yards, concrete and cement mixing plants, petroleum bulk storage facilities, large-scale propane storage and the processing or treatment of bituminous products) should

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be restricted from locating on the site. The property also falls within the boundaries of the Route 5 Overlay District and, therefore, design standards (aesthetics and architectural features, landscaping, lighting, parking, signage and roadway access) must be addressed in the design and layout of future site development to mitigate potential adverse impacts from site development. Therefore, the proposed action is consistent with local and regional land use recommendations and zoning standards and restricts will be applied to mitigate and avoid potential significant impacts to land use in the area.

- Transportation

Future development on the Lake Erie Commerce Center property will increase traffic on NYS Route 5, Bayview Road and other roadways in the vicinity of the site. A Traffic Impact Study was prepared to assess existing and future traffic operations on the street network, to evaluate potential impacts resulting from full build out of the site, and to identify appropriate mitigation measures to avoid or minimize potential adverse impacts to the transportation system (the study is included in Appendix C). As determined in the original DGEIS and confirmed in this supplemental, without mitigations (the addition of a new entrance onto Route 5 and changes to Bayview Road, or other), the potential transportation impacts from build out of this site could be significant. Because users are unknown at this time, and therefore the amount of traffic to be generated is unknown, estimates have been made and thresholds have been set, to require certain mitigations to be undertaken when certain levels of traffic generation are achieved at the site.

- Local Waterfront Revitalization Area Consistency

The Lake Erie Commerce Center property is located within the Local Waterfront Revitalization Area (LWRP) boundary and future site development is subject to consistency review in accordance with the policies and recommendations of the LWRP. In compliance with applicable LWRP policies, development on the subject property will be undertaken in a manner that minimizes impacts to natural and community resources. Site assessments of significant resources, such as wetlands, and further traffic analysis may be required to mitigate or avoid potential impacts. As previously noted, future site design must adhere to the zoning provisions of the Route 5 Overlay District, which includes aesthetic and architectural design. Zoning thresholds will be employed to restrict certain uses on the site that could potentially result in the generation of adverse air emissions, offensive noises or odors, or hazardous wastes. Finally, buildings constructed on the site should utilize energy efficient systems, be built with energy efficient materials, and should employ energy efficient practices and techniques in building design.

- Cultural Resources

A Phase 1A Cultural Resource Assessment was conducted on the subject property as a part of the original DGEIS. This study concluded that there are no historic structures or known archaeological resources located on or in the vicinity of the project site. Therefore, no impacts to cultural resources will result from the proposed action.

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- Visual Resources

Future development of the Lake Erie Commerce Center property will change the visual character of the project site, with views of three-dimensional structures replacing those of open and generally level open land. The Town of Hamburg considers the Route 5 area as a gateway to the community and has established important design standards in a zoning overlay district: the Route 5 Overlay. Views of site development will be available from certain vantage points (including Route 5); other views may be partially or fully screened by existing vegetation on adjoining properties or vegetation that will remain on the subject property. Site development for future business and manufacturing uses would involve the construction of larger structures to accommodate their needs. Buildings would be designed to be compatible with the surrounding environment to the greatest extent possible in accordance with the Route 5 Overlay. Architectural and other design requirements and landscaping features would be utilized to soften the appearance of buildings and improve aesthetics. Existing vegetation would be retained to the greatest extent possible to help screen certain aspects of site development. Although buildings will change the character of the site, the area is urban/suburban in nature and existing uses are situated at varying distances from potential development areas. With the application of requirements of the zoning overlay district and other established conditions and thresholds, the proposed action is not expected to adversely impact the character of the surrounding area. In addition, future site development would be required to implement measures to reduce or eliminate glare from the artificial sources of light that are introduced on the site, including the use of dark sky compliant lighting fixtures, to help reduce these potential impacts. Therefore, future development of the project site is not anticipated to result in significant adverse visual impacts to the surrounding area.

- Public Utilities and Infrastructure

The Erie County Water Authority (ECWA) will supply public water to future users at the Lake Erie Commerce Center. The site is also located within the boundaries of Sewer District No. Ss-1, with wastewater flows discharged to the Southtown's Wastewater Treatment Plant, which is located directly northwest of the site. Proposed uses are not known at this time, but the general types of uses that are expected to occupy the site are not expected to be large consumers of public water. Working with the ECWA and the local fire company, thresholds will be set for the quantity of water that could be utilized at this property. Furthermore, as Erie County does not commit capacities to potential future users, each proposed future use would have to submit information to the County for review, and which could involve the requirement of mitigation (especially for inflow and infiltration problems in the area). Therefore, with these mitigations as required by the County, the proposed action is not anticipated to result in adverse environmental impacts.

- Solid Waste Management

Increased amounts of solid waste will be generated by future users on the project site. Solid waste generation is expected to be typical of uses allowed in industrial business parks. In the Town of Hamburg, non-residential uses are responsible for contracting with commercial waste disposal services for the collection and disposal of solid waste materials. If small quantities of regulated

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hazardous waste are generated, on-site users must comply with NYSDEC regulations and special provisions for waste management.

- Energy Utilization

The proposed action will result in a long-term increase in the use of energy resources, including electricity and natural gas. Buildings that would be constructed on the project site would utilize energy efficient systems and be constructed of energy efficient building materials, in accordance with the New York State Energy Code and Building Code. The project is not expected to have a significant adverse impact on energy resources.

Unavoidable Adverse Environmental Impacts

During the development of any project, regardless of the magnitude, certain adverse impacts on the environment will result despite of all of the measures that are put in place to mitigate such impacts. SEQRA contemplates the balancing of these impacts against social, economic and other relevant considerations (6 NYCRR 617.1.d). The unavoidable impacts anticipated as a result of the development of the proposed action are summarized in this section.

Unavoidable short-term impacts are related to the construction phases of the proposed action. These impacts are temporary, localized and relative minor in nature. Short-term impacts would cease upon completion of the project development activities. These include:

- Increased traffic levels due to the movement of construction workers and off-site construction equipment;
- Increases in noise levels in the immediate vicinity of the project site;
- The creation of fugitive dust due to soil disturbance and truck movement; and
- Small, localized increases in air emissions from construction equipment.

Certain long-term environmental impacts will result from the construction and operation of buildings on the project site. These would include:

- Traffic volumes in the vicinity of the site will increase as a result of site development, as well as normal growth in the surrounding area. NYS Route 5 is a very busy and heavily traveled north-south route in Erie County. With proper mitigation, this roadway, and other surrounding roads, will have the capacity to handle the additional traffic that will result from future site development. However, overall traffic volume will increase.
- The loss of existing open space/undeveloped land is an associated impact of future, long-term site development. This may result in a reduction of wildlife habitat in the area. Wherever possible, existing open space will be preserved on the property, including some small areas of woodland and wetland areas that will be avoided. Where natural buffers of existing vegetation do not exist, and in the vicinity of proposed structures, landscaping will be used to fill the void and supplement remaining natural habitat.

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- Future site development will permanently change the visual character of the site. Views from certain areas will change, with three-dimensional structures replacing open fields and woodlands. Site lighting will also be introduced into an area that is currently dark at night. Structures would be designed to blend with their surrounding environment to the greatest extent possible and measures would be implemented to reduce or eliminate glare from the site, including the use of dark sky compliant lighting fixtures, to help reduce these potential impacts.
- The long-term development of the subject property will result in an increase in energy usage. Structures on the site will require a long-term commitment of electric and natural gas services for heating, cooling and lighting. In addition, there will be a permanent commitment of building materials for on-site structures, paved surfaces and infrastructure. The unavoidable commitment of public water from the Erie County Water Authority system, as well as increases in wastewater that must be processed at County facilities. The solid waste generated on-site must also be handled and disposed of locally.
- Site development will require a commitment of economic resources for the cost of construction materials, labor and equipment. Fuel will also be required for the construction and long-term operation and maintenance of structures on the site.

Cumulative and Growth Inducing Impacts

When considering the potential adverse environmental impacts of an action, the Lead Agency must consider reasonably-related cumulative impacts, including other simultaneous or subsequent actions that are included in any long-range plan that the proposed action is a part of, any actions that may result from the development of the proposed project, and actions that are dependent on the development of the proposed action. Cumulative impacts (impacts from two or more related actions) are the potential impacts of a proposed action taken in conjunction with other active or anticipated development in the surrounding vicinity, where the total impacts may potentially result in impacts that are greater than what is anticipated from any one project alone.

An analysis of cumulative impacts is generally required in a DGEIS when it is expected that multiple projects within the area may result in a greater cumulative impact. The project area is suburban and, at this time, there are no other projects proposed or currently under development in the vicinity of the subject property that should be taken into consideration as part of this environmental assessment. Therefore, no cumulative impacts are anticipated from the proposed action and any further analysis is unwarranted.

SEQR requires the analysis of growth inducing impacts. Development on the Lake Erie Commerce Center project site will result in the creation of employment opportunities for residents in the Town of Hamburg and surrounding region, including construction-related jobs. Site development is reasonably expected to result in some secondary growth in the form of residential development in response to the availability of employment and the desire to locate in closer proximity to the workplace. Expected increases in population and residential development would likely impact enrollment in the local school

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district and create elevated demand for emergency services. It is conceivable that increased employment opportunities could stimulate population in-migration. However, it is not expected that any population increases would off-set recent population losses experienced in the region. Any population increases are also likely to be distributed across the area, not just within the Town of Hamburg, minimizing localized impacts. Future site development may also generate a demand for new or expanded support businesses and service providers in the surrounding area to accommodate the needs of on-site workers. In addition, the project will result in a direct increase in the tax base in the Town.

Project Alternatives

For the purposes of this DGEIS, the following alternatives were analyzed:

- **Alternative 1 (No-Action alternative)**
The No-Action alternative represents a required component of an EIS, and consists of the properties remaining as they are now. This current condition and the No-Action Alternative were evaluated in the original DGEIS and FGEIS. Without the development of this site, the Town and residents of the community would not see the benefits of an increased tax base, increased employment and related economic impacts.
- **Alternative 2 (Alternative Magnitude)**
This alternative was evaluated in the original DGEIS and has been further evaluated in this supplemental; looking at development by two users, up to numerous users in a business park.
- **Alternative 3 (Design Alternatives)**
This alternative has been further evaluated in this supplemental by looking at site plan issues in accordance with the “pre-permitted site law”.
- The original DGEIS included an Alternative Land Use discussion which stated that, ...”the consideration of alternative land uses does not appear to be within the range of reasonable alternatives given the common objectives of the developer and the Town to encourage industrial development on this site.” The Town’s Comprehensive Plan and LWRP call out this area for Industrial development.

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SECTION 1.0

INTRODUCTION AND PROJECT BACKGROUND

1.1 Description of the Proposed Action

The proposed action involves an application from the Hamburg New York Land Development Company for the approval of Pre-Permitted Site Designation for approximately 134 acres of land situated along Bayview Road and NYS Route 5, in the Town of Hamburg, Erie County, New York (Map 1 – Regional Setting). The objective of this action is to satisfy the SEQR requirements for the project site through the preparation of a generic environmental impact statement, thereby allowing future proposed projects within the Lake Erie Commerce Center to proceed directly to the Town for site and building permits.

The project area, formerly known as the Lake Erie Commerce Center, was the subject of a previous SEQR review that included the preparation of a Generic Environmental Impact Statement (GEIS). The SEQR process for this project was completed in 1999. In accordance with the Town of Hamburg Pre-Permitted Site Incentive Law, pre-permitted site designation for properties previously reviewed under SEQR requires the preparation of a Supplemental GEIS.

1.2 Project Site Description

The project site consists of approximately 134 acres of land located on the north and south sides of Bayview Road, immediately east of NYS Route 5 (Map 2 – Site Location). The subject property is bisected by Bayview Road, with approximately 70.49 acres situated south of this roadway and the remaining 63.5 +/- acres located to the north. The project site is comprised primarily of open lands, with areas of brush and woodlands, and a few small areas of wetlands. With the exception of one single-family residential dwelling, no structures exist on the site (see Figure 1).

1.3 Purpose, Need and Benefit of the Proposed Action

As previously noted, the purpose of the project is to gain Pre-Permitted Site Designation under the “Town of Hamburg Pre-Permitted Site Incentive Local Law” for the Lake Erie Commerce Center to encourage and advance future development. The Town adopted the Pre-Permitted Site Incentive Law to allow for the strategic preparation and marketing of pre-approved, shovel ready sites for targeted development and economic development. This will enable the Town of Hamburg to achieve its goals for managed growth patterns, economic development and the creation of critical jobs for the region. Completing the advanced environmental review and other work required allows businesses the opportunity to construct new facilities through an expedited permitting process. For the Town of Hamburg, this project would balance the need for economic development with environmental conservation, and provide an attractive location for business development that is consistent with the goals and objectives of the Town’s Comprehensive Plan (Town of Hamburg 2007 Comprehensive Plan Update).



Figure 1 – Aerial View of Project Area

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SECTION 2.0

ENVIRONMENTAL REVIEW OF THE PROJECT PURSUANT TO SEQR

2.1 Legislative Intent of SEQR

Pursuant to Article 6 of the New York State Environmental Conservation Law (6 NYCRR, Part 617), the New York State Environmental Quality Review Act (SEQRA) provides a process for governmental and other agencies to consider potential significant adverse environmental impacts during the initial stages of funding, permitting or approval of proposed actions. By incorporating a systematic, interdisciplinary approach to environmental review in the early stages of the process, impacts can be identified and projects or actions can be modified, as needed, to avoid or minimize potential adverse impacts to the environment. All discretionary actions or approvals by state, regional or local agencies to approve, fund or directly undertake an action that may affect the environment are subject to review under SEQRA. It is the intent of the SEQRA regulations that protection and enhancement of the environment and community resources be balanced with social and economic factors as part of the decision-making process.

2.2 Summary of Public and Agency Involvement

The SEQR process includes three types of agencies: the Lead Agency, Involved Agencies and Interested Agencies. The Lead Agency is the Involved Agency that has the responsibility, under SEQR, to coordinate the environmental review process for the proposed action. As noted in Section 2.1.3, the Town of Hamburg Town Board was designated as the Lead Agency for this action because this Board has the primary jurisdiction over the approval of the proposed action. Through the coordinated review process, other agencies will be provided the opportunity to offer comments on the proposed action and concur with this designation.

In addition to the Lead Agency, there are Involved and Interested Agencies. Involved Agencies are agencies that have jurisdiction to fund, approve or directly undertake an action. Interested Agencies are agencies that do not have (at the time of the environmental review) permitting, funding or approval authority directly related to the proposed action, but may desire to participate in the review process because of their expertise or concern regarding the action. The following is a list of the Involved and Interested Agencies that have an interest in the proposed project.

Identified Involved Agencies:

Town of Hamburg Highway Department
Erie County Department of Environment and Planning
Erie County Department of Health
Erie County Water Authority
New York State Department of Environmental Conservation
New York State Department of Transportation

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Identified Interested Agencies:

Town of Hamburg Industrial Development Agency

Fire Departments (including the Woodlawn Fire Co., Lakeshore Fire Co., Blasdell Fire Co. and Big Tree Fire Co.)

Town of Hamburg Planning Board

Pursuant to the requirements of SEQR, this SGEIS and the conceptual development plan for the proposed action will be subject to review and comment by these Involved and Interested agencies and the public. Opportunities for future agency and public involvement include the publication of notifications related to the project, a public comment period for the SGEIS, a public hearing, a public consideration period following the completion of the Final Supplemental Generic Environmental Impact Statement (FSGEIS) and preparation of the Statement of Findings by the Lead Agency and other Involved Agencies (if necessary).

2.3 Steps in the Environmental Review Process

An overview of the important steps in the required SEQR review process for the Lake Erie Commerce Center is provided as follows. The goal in providing this overview is to enable the reader to understand the manner in which identified potential environmental impacts must be considered before a decision can be made on a discretionary land use approval.

- Lead Agency Designation and Determination of Significance

As part of the approval process for the Pre-Permitted Site designation, the Town Planning Department, on behalf of the applicant (Hamburg New York Land Development Company) submitted an application to the Town of Hamburg Planning Board for review and recommendations to the Town Board. The Lake Erie Commerce Center was the subject of a previous SEQR review that included the preparation of a Generic Environmental Impact Statement (GEIS). The SEQR process for the original project was completed in 1999. In accordance with the Town of Hamburg Pre-Permitted Site Incentive Law, pre-permitted site designation for properties previously reviewed under SEQR requires the preparation of a Supplemental GEIS (SGEIS).

To coordinate the environmental review process and the preparation of the SGEIS, the Town of Hamburg Town Board issued a notification letter to Involved Agencies (those that have approval, funding or permitting discretion for the proposed action) to declare its interest in re-establishing its role as the designated Lead Agency for the SEQR review of this action, to advise that the action would receive a positive declaration (requiring the preparation of an environmental impact statement), and to identify specific areas for project scoping (including wetlands, public infrastructure, transportation, coastal zone consistency, site design, noise and air quality). The Lead Agency is primarily responsible for overseeing and coordinating the environmental review process and approving the proposed action. A copy of the Lead

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Agency notification letter, Town Board resolution to declare Lead Agency status and comments received from the Involved and Interested Agencies are included in Appendix A.

At the Town Board meeting that was held on December 12, 2011, the Town of Hamburg Town Board also issued a Positive Declaration of potential significant adverse environmental impacts. As the Hamburg Pre-Permitted Site Incentive Law requires the preparation of an environmental impact statement as part of the review and approval process for pre-permitted designation, this action was pre-determined and necessary. As previously noted, because the Lake Erie Commerce Center was the subject of a prior environmental impact statement, the preparation of a supplemental document (SGEIS) will be required. A copy of the Positive Declaration and Town Board resolution for this Determination of Significance are included in Appendix A.

- Project Scoping

Typically, following the Determination of Significance, the next step in the SEQR process is scoping. Although this is an optional step, in many instances, Lead Agencies select to conduct public scoping session for the proposed actions. The purpose of the Scoping process is to identify the important environmental impacts that are to be considered in a Draft Environmental Impact Statement (EIS). The Draft Generic EIS is a broader, more general environmental assessment than a site or project specific DEIS, and discusses the logic and rationale for potential site development.

As part of the Hamburg Town Board action to issue the Positive Declaration for this project, the Board offered a Scoping outline of the information to provide direction for the preparation of the SGEIS. Because this SGEIS is designed to be a more targeted environmental assessment, a formal public scoping session was not scheduled. A copy of the Scoping outline is included in Appendix A.

- Draft and Final Environmental Impact Statements and SEQR Findings

A Draft Generic Environmental Impact Statement (DGEIS) identifies the relevant impacts of the proposed action, discusses measures to mitigate or lessen these impacts, and evaluates reasonable alternatives to the proposed action. For the proposed action, the original DGEIS will be re-evaluated and supplemented (in the form of a DSGEIS) based on the information identified in the Scoping outline.

The review process for a supplement DGEIS is the same as that of a DGEIS. Therefore, after the Town of Hamburg, as Lead Agency, has reviewed the DSGEIS and if it is determined to be complete (meaning that the scoping items were addressed), the DSGEIS is released for public review and comment. The length of the public review and comment period will be a

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minimum of 30 days. The Town Board, as SEQR Lead Agency, will establish public review time frames that meet the SEQR requirements, and will schedule a public hearing to gather additional public input on the DSGEIS.

Upon completion of the public review period for the DSGEIS, the Lead Agency must prepare or cause to be prepared a Final Generic Environmental Impact Statement (FGEIS) that responds to comments received from the public and reviewing agencies. The FGEIS includes the DGEIS, the substantive comments received, responses to those comments, revisions to the DGEIS, and reasons for these revisions. For the proposed action, a Supplemental FGEIS will be completed.

The SEQR process concludes with the preparation of the Statement of Findings. In order for the Lead Agency to take action (approving the request for Pre-Permitted Site Designation), it must prepare a Findings Statement. The Findings Statement positively demonstrates that the proposed action minimizes or avoids the potential adverse environmental effects to the maximum extent practicable, and that the proposed action incorporates practical measures that were identified through the SEQR process. These demonstrations must be based on facts and conclusions that are derived from the DSGEIS, comments received from the public and reviewing agencies, any public hearing records, and the approved FSGEIS. The Findings Statement identifies the considerations that have been weighed and the Lead Agency's rationale for its approval or disapproval of the proposed action.

2.4 Reasons Supporting the Preparation of a DSGEIS

The Lake Erie Commerce Center was the subject of a previous GEIS. The SGEIS affords the opportunity to re-evaluate anticipated impacts and ensures that related actions will not be segmented in order to avoid the required analysis of future development on the subject property. The SGEIS allows the Lead Agency to establish thresholds for future environmental review that may arise in the future, as outlined in the Findings Statement.

The conceptual plans that were developed for the Lake Erie Commerce Center site illustrate the possible organization of potential land uses and the magnitude for future use of the site. The final form of site development and the time period for future development will depend on market demand and cannot be determined at this time. Therefore, a generic assessment of future site development is an appropriate mechanism for evaluating the potential impacts of this action.

Finally, in accordance with the Hamburg Pre-Permitted Site Incentive Law, applications and associated projects must undergo environmental assessment pursuant to the SEQR regulations, and a GEIS or SGEIS must be prepared. Since the Lake Erie Commerce Center was the subject of a prior environmental review, which culminated in the preparation of a DGEIS, the preparation of a supplemental environmental impact statement is required under the law.

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SECTION 3.0

ENVIRONMENTAL SETTING

The following section includes some updated information concerning the environmental setting of the project site. Please refer to the original DGEIS for more information on the environmental setting of the area. Some of the following sections are small summaries of the information in the original DGEIS.

3.1 Geology, Topography and Soils

3.1.1 Geology and Topography

In general, the project area is located on the Lake Erie Plain of the Erie-Ontario lowlands. The bedrock in the area is primarily composed of sedimentary rock layers deposited during the Devonian Age of the Paleozoic Era. The rock underlying the site contains layers of well preserved fossils. The northern portion of the project site, west of the railroad tracks, includes a spoils pile of bedrock that was excavated when railroad sidings were constructed for the adjacent Ford Motor Company Stamping Plant. This spoils pile is abundant with fossil remains.

Although the project site has been disturbed in the past, for the most part, natural elevations on the project site slope gently from northeast to southwest. The site has been previously disturbed for agricultural activities in the past, as well as the construction of railroad tracks for the Ford Plant. The northeastern portion of the site, east of the tracks, is the site of former residential development (worker housing for Bethlehem Steel). All but two of the structures have been demolished. These activities have slightly altered portions of the natural topography of the area.

The project area, as evaluated in the original Draft GEIS (see this report for additional survey geology information) that was filed on May 27, 1994, remains undeveloped, with the exception of approximately 5 +/- acres that were utilized for the construction of the Woodlawn Federal Credit Union. The examination of existing conditions and analysis of geology and topography that was prepared for the original DGEIS remains sufficient and valid for this analysis. Appendix B contains more extensive documentation on geology and topography.

3.1.2 Soils

The predominant soils types on the project site were formed in glacial till deposits that have a high clay content and are underlain by calcareous shaly glacial till in some areas. Field examination of the soils on the site showed general agreement to the soils identified in the Soil Survey published by the Soil Conservation Service. These primarily include Remson and Canadice, with small areas of lesser abundant soil types. These soils are deep, with an average depth to bedrock of over 5 feet and slow to very slow permeability (which is an indication of their high clay content). The southern portion of the site, south of Bayview Road, has an area where

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topsoil has been stripped in the past. The depth to bedrock is shallower in this area. None of the soils on the site are designated as prime or important farm soils.

The project area, as evaluated in the Draft GEIS that was filed on May 27, 1994, remains undeveloped, with the exception of approximately 5 +/- acres that were utilized for the construction of the Woodlawn Federal Credit Union. The examination of existing conditions and analysis of soils that was prepared for the original DGEIS remains sufficient and valid for this analysis. Appendix B contains more extensive documentation on soils.

3.2 Hydrology and Water Resources

The Town of Hamburg (and the project area) is located within the Erie-Niagara Basin, which discharges to Lake Erie and the Niagara River. The subject property drains to the south and west towards Foster Brook and to the north toward Rush Creek, which are both tributary to Lake Erie.

3.2.1 Groundwater

According to the Erie County Soil Survey, the Remsen silty clay loam (RfA and RfB), which are the predominant soils on the site, were formed in clayey glacial till deposits. From December through May, these soils are characterized by a perched seasonal high water table in the upper part of the subsoil that may extend to a depth of 36 inches. The Soil Survey for the project area also indicates that the water table for the Canadice soils is generally at a depth of 0.5 to 1.5 feet (at or near the surface) from December through June.

3.2.2 Surface Water

There are no surface water bodies on the project site. Stormwater runoff flows off site through informal drainage ditches and channels. There are a few areas on the northern portion of the property that may retain stormwater at certain times of the year, due to seasonal wetness. These areas are associated with small areas of wetlands that were identified on the site (see Section 3.3.2 for more information on wetlands).

The project area, as evaluated in the Draft GEIS that was filed on May 27, 1994, remains undeveloped, with the exception of approximately 5 +/- acres that were utilized for the construction of the Woodlawn Federal Credit Union. The examination of existing conditions and analysis of surface waters that was prepared for the original DGEIS remains sufficient and valid for this analysis. Appendix B contains more extensive documentation on surface waters.

3.2.3 Floodplains

According to the flood insurance rate map (Panel 360244 00005 B), the southwestern portion of the subject property (south of Bayview Road) contains a small area of 100-year floodplain that is

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situated in the vicinity of Foster Brook. The Town of Hamburg updated the flood insurance rate maps for the Town in 2012. A review of the revised map indicates that the area of 100-year floodplain on the subject property has changed slightly, but this change is not significant. This area of the project site, as evaluated in the Draft GEIS that was filed on May 27, 1994, remains undeveloped. In light of the change to the flood insurance rate map for the property, the examination of existing conditions and analysis of flooding that was prepared for the original DGEIS remains sufficient and valid for this analysis. Appendix B contains more extensive documentation (including a map showing the revised Floodplain boundary on the site).

3.3 Terrestrial and Aquatic Ecology

3.3.1 Vegetation

The project site is vegetated with a mix of shrubs and old field habitat species that is in various stages of successional growth. As the project area was previously cleared for agricultural use, none of the original elm-red maple northern hardwood forest remains.

The project area, as evaluated in the Draft GEIS that was filed on May 27, 1994, remains undeveloped, with the exception of approximately 5 +/- acres that were utilized for the construction of the Woodlawn Federal Credit Union. The examination of existing conditions and analysis of on-site vegetation that was prepared for the original DGEIS remains sufficient and valid for this analysis. At that time a field investigation was performed on the property that documented existing plant communities and included a wetland delineation. Appendix B contains more extensive documentation on vegetation.

3.3.2 Wetlands

A field investigation completed for the original DGEIS revealed the presence of nine small areas of wetlands on the project site. With the exception of a larger area that runs parallel along the west side of the railroad tracks, the other eight areas all measured less than one acre (in most cases less than 0.5 acres). The examination of existing conditions and analysis of wetland vegetation that was prepared for the original DGEIS remains sufficient and valid for this analysis. At that time, a field investigation was performed on the property that documented existing plant communities and existing areas of wetlands. Appendix B contains more extensive documentation on wetlands. Because the wetlands delineation completed in the 1990's for the original DGEIS has expired, the wetlands consultant for the project (Earth Dimensions, Inc.) visited the site in 2011 and noted that there are small changes to the wetland areas. No further delineation of the existing wetland areas was completed or is warranted at this time. When development is proposed an updated delineation will need to be completed and reviewed by the Army Corps.

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3.3.3 Wildlife

As previously noted, the project site consists of successional fields (former agricultural lands) and shrub habitat, with some areas of isolated second growth woodlands. This site provides habitat for wildlife that prefer denser shrub cover. Animals likely to utilize the site would include white-tailed deer, red fox, raccoon, opossum, squirrel and other smaller rodents (mice, moles, shrews, rabbit, skunk and woodchuck). The area is also utilized by a variety of songbirds for nesting and foraging, including certain species that may frequent the site during annual migration. Additionally, the area is expected to support common toads, frogs and snakes. Several of these species were observed during the field investigation and delineation activities completed for the original DGEIS.

Based upon reviews of NYSDEC maps, the site is not within an International Bird Area and no known Endangered and Threatened Species are noted.

3.4 Climate and Air Quality

3.4.1 Climate

The climate for the project area, and for Erie County as a whole, is northern temperate and relatively mild, as compared to other locations at similar northern latitudes in the United States. The general climate and daily weather conditions in the area are influenced and tempered by the proximity to Lake Erie, as well as the other Great Lakes. The area is relatively humid, with warm summers and fairly long, cold winters. Lake Erie and the local topography of the region contribute to the moderation of temperatures during each season of the year, cooling the area in the summer, and moderating the severe cold that flows southward from Canada during the winter. Snowfall is enhanced in winter by the westerly and southwesterly winds flowing over the warmer lake waters.

Global climate change is emerging as one of the most important environmental challenges of our time. There is scientific consensus that human activity is increasing the concentration of greenhouse gases (GHGs) in the atmosphere and that this, in turn, is leading to serious climate changes. Climate change will continue to adversely affect the environment and natural resources of New York State, the nation, and the world. SEQR requires that lead agencies identify and assess adverse environmental impacts, and then mitigate or reduce such impacts to the extent they are found to be significant. Consistent with this requirement, SEQR can be used to identify and assess climate change impacts, as well as the steps to minimize the emissions of GHGs that cause climate change. Many measures that will minimize emissions of GHGs will also advance other long-established State policy goals, such as energy efficiency and conservation; the use of renewable energy technologies; waste reduction and recycling; and smart and sustainable economic growth. This policy is not the

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only state policy or initiative to promote these goals; instead, it furthers these goals by providing for consideration of energy conservation and GHG emissions within EIS reviews.

There are six main GHGs: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF₆). Any future use proposed for development on the project site, which that may include significant emissions of any of these gases, could require appropriate environmental evaluation, possibly by means of a site specific EIS. Potential examples of land uses that could require further assessment include emissions of hydrofluorocarbons and perfluorocarbons from the manufacturing, servicing and disposal of refrigeration and air conditioning equipment, and other GHGs emitted through various chemical and manufacturing processes.

3.4.2 Air Quality

The following is a general update to the information presented in the original 1994 DGEIS.

To protect humans and the environment from damage by air pollution, the NYSDEC Division of Air Resources continually measures levels of pollutants in the air and regularly reports the results of these measurements. NYSDEC measures air pollutants at more than 80 sites across the state, using continuous and/or manual instrumentation. These sites are part of the federally-mandated National Air Monitoring Stations Network and the State and Local Air Monitoring Stations Network. Real time direct reading measurements include gaseous criteria pollutants (ozone, sulfur dioxide, oxides of nitrogen, carbon monoxide), fine particulates with a diameter less than 2.5 microns (PM_{2.5}), and meteorological data. Filter based PM_{2.5}, lead, and acid deposition samples are collected manually and shipped to the laboratory for analysis. The objectives of the State's ambient air monitoring network are to provide air pollution data to the general public in a timely manner, support compliance with ambient air quality standards and emissions strategy development and gain support for air pollution research studies.

NYSDEC monitors air quality at a site in Buffalo, among other locations in the region. At the Buffalo station they monitor data for Carbon Monoxide, Nitrogen Oxide, Sulfur Dioxide, fine particulate matter, and lead. Additional monitoring is conducted at stations in Middleport, Amherst, Tonawanda, Lackawanna, Dunkirk, Westfield, and Niagara Falls, including ozone, total suspended particulates and volatile organic compounds. The data collected at these monitoring stations indicate that the area, and region as a whole, is in compliance for all of the air quality constituents with the exception of ozone.

Ozone is monitored at the Amherst, Middleport, Dunkirk and Westfield stations. Unlike other air pollutants, ozone is not emitted by pollution discharge sources. Instead, it is formed in the air itself; high temperatures (over 80 degrees Fahrenheit) and sunlight set off chemical reactions involved "ozone precursors" which are hydrocarbons. The end result is ozone, a highly reactive

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chemical cousin of oxygen. Ozone can damage some vegetation and crops, structures and human health. Based on three years of monitoring data ending December 2008, the Environmental Protection Agency designated 30 counties in New York State as nonattainment areas for ozone, including Erie and Niagara Counties. Exceedance of the 8-hour standard for ozone was somewhat more common at the Amherst monitoring station, than Middleport, which is probably a reflection of the Amherst site being downwind of the Buffalo urban core (with prevailing southwesterly wind flow).

The Lake Erie Commerce Center is strategically located in an area close to interstate highways and has ready access to the railroad system for shipping purposes. Population centers are nearby, providing shorter travel distances for workers, helping to further reduce potential carbon emissions.

3.4.3 Noise

The Lake Erie Commerce Center site is currently vacant and unutilized. This site is located in a suburban area with medium-density residential development to the east and industrial activity to the immediate north and a mix of commercial uses and vacant land to the south and west. Existing background noise levels reflect a typical suburban setting with a more significant amount of noise coming from NYS Route 5, which is a four-lane, limited access arterial that borders the property to the west, and the railroad corridor along the eastern property boundary. Environmental sounds, such as birds and airplanes, as well as noise from traffic on adjoining roadways may also be noticeable, but not to the degree that they would be considered an extreme disturbance to ambient noise levels in the area. Additional information on noise from the original DGEIS is included in Appendix B.

The Town of Hamburg has an adopted noise ordinance (Chapter 175 of the Town Code) to control unreasonably loud, disturbing and unnecessary noise in the Town (there are no specific noise levels established). In accordance with this ordinance, all sleep-disturbing noises are prohibited. Sleep-disturbing noises shall mean any unnecessary and unreasonably loud or disturbing sounds occurring during the hours between 11:00 p.m. and 7:00 a.m. and unreasonably interfering with the sleep, comfort, health and repose of any individual within hearing thereof or in the vicinity. The creation of any unnecessary and unreasonably loud or disturbing noise is prohibited as a public nuisance and considered a punishable offense.

3.5 Land Use and Zoning

3.5.1 Regional and Town Land Use Patterns

Over the past decade, the Town of Hamburg has continued to experience an overall change from a rural community to a suburban community. The central and northern portion of the Town have been more densely development with residential uses (single, two-family and multi-family

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dwelling units), commercial uses and industrial activity. The southern portion of the Town is more rural and residential in nature, with open space and recreational uses, and remnants of agricultural activity.

The Town updated its Comprehensive Plan in 2008. One of the goals of the Comprehensive Plan is to maintain existing industrial development to accommodate Town needs and support adaptive reuse and expansion of existing industrial sites. The plan indicates that the project site is located in an area of the Town where business and industry are recommended and industrial expansion should continue (Figure 2).

The Framework for Regional Growth for Erie and Niagara Counties, New York is the regional planning document that applies to the Town of Hamburg. The Framework was finalized in October of 2006 and establishes basic policies and principles to guide the future growth and development of the region. The Framework is not a conventional zoning or land use plan or capital improvement program. It is designed to help County and regional leaders make better policy and investment decisions, more effectively leverage limited resources and provide more consistent direction and useful support to municipalities. Specifically, the Framework provides:

- A vision for how the region should grow over the next 15 years.
- Direction regarding growth and redevelopment matters for County decision makers and other regional organizations that are linked to the two counties by way of funding, membership or other relationships.
- Information on the ways local governments, private sector and non-profit actions and initiatives can reinforce the overall regional vision.
- Mechanisms to insure that the goals, concepts and recommendations of the Framework for Regional Growth are implemented in an efficient and accountable manner.

The Framework for Regional Growth establishes planning policy areas that define, in broad terms, where to encourage development and public investment, where development and public investment may be appropriate subject to careful evaluation, and where conservation strategies generally take precedence over plans for development and public investment. The planning policy areas include Developed Areas, Developing Areas and Rural Areas. The Lake Erie Commerce Center property falls into the Developed Areas category as it includes areas of suburban development that are served by public sewer, water and transportation infrastructure. The area is also included in an identified “growth corridor”, which is an area of existing and emerging commerce and industry (Figure 3). Designated growth corridors have relatively high employment densities, the presence of vacant, underutilized land, shovel-ready sites, concentrations of brownfields and good access to regional road and rail networks. The project site fits well within this category; the proposed action is to secure pre-permitted status for the land to make it shovel ready and provide incentives for future development. This meets the policy recommendations of the Framework for Regional Growth.



Town of Hamburg

Generalized Future Land Use

Map: 2-10

Legend

Generalized Future Land Use

- Planned Mixed Uses (Residential, Recreation, Business, Offices)
- Rural Residential (Preservation / Conservation / Agricultural)
- Rural/Semi-Rural Residential
- Residential (Single-Family)
- Residential (High Density / Mixed)
- Business (Regional/Local)
- Village Transition Area
- Waterfront Redevelopment Area

- Roads
- Railroad
- Interstate 90
- Town Boundary

Note: This map cannot be used independently from the plan. It is not a future zoning map.



0 0.5 1 2 Miles



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Map Created: July 2008
WD Project # 3008-06-CPUP

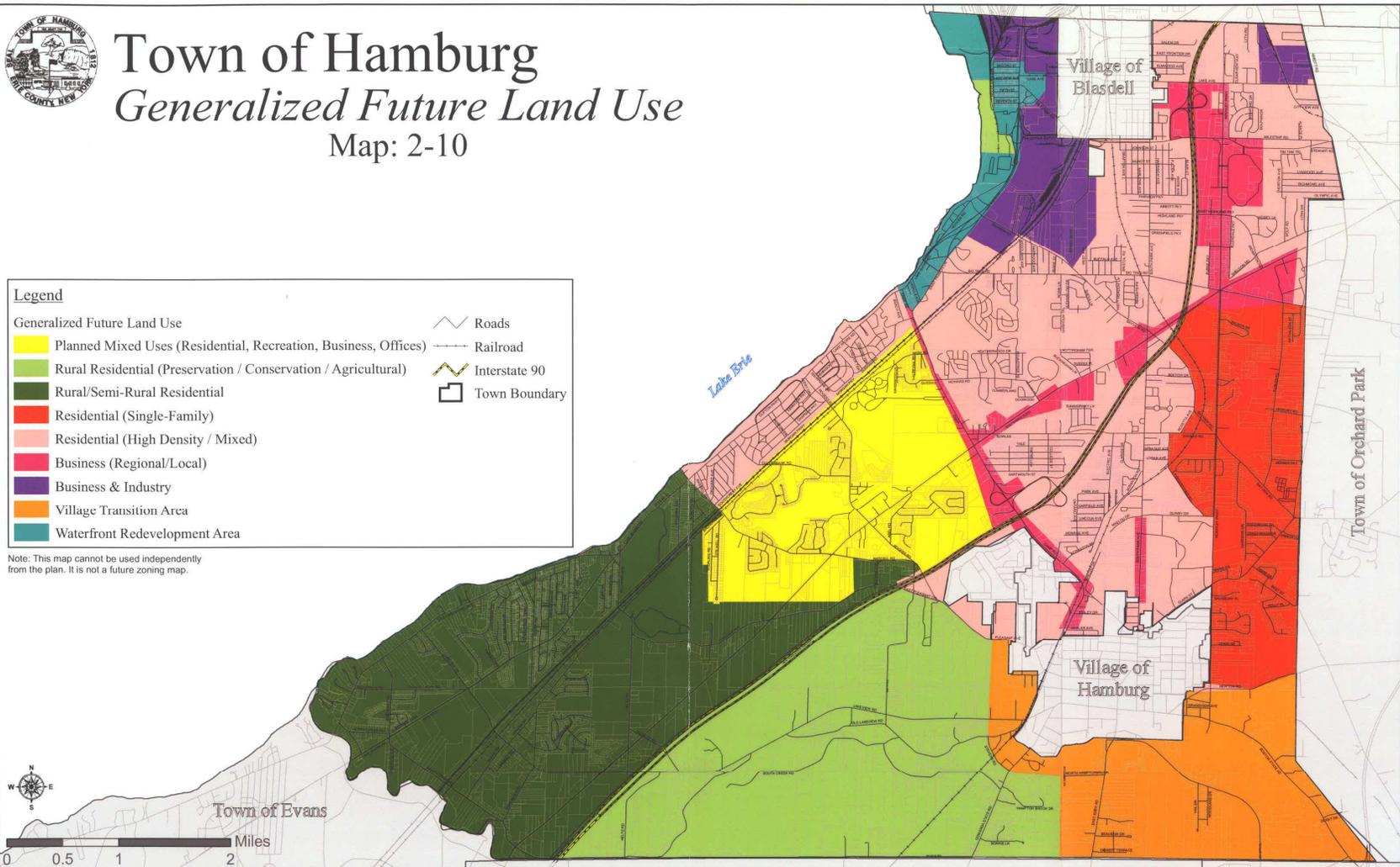


Figure 2

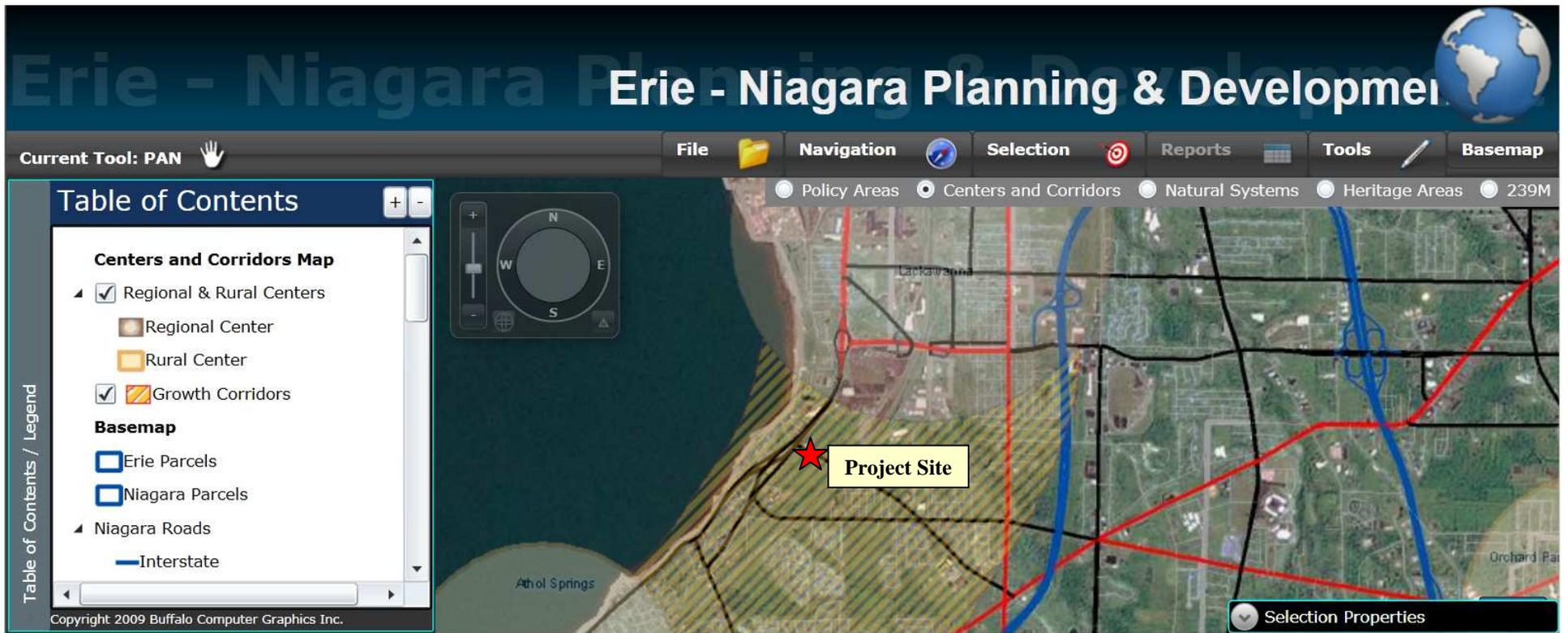


Figure 3 – Regional Centers and Growth Corridor Areas

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3.5.2 Existing and Surrounding Land Use

As noted in Section 1.2, the subject property encompasses approximately 134+/- acres of undeveloped land. With the exception of one single-family residential dwelling, the land contains no structures and is primarily open land. The property was historically used for agricultural purposes; the eastern portion of the site, north of Bayview Road, once supported residential development (worker housing for the Bethlehem Steel factory in Lackawanna), but those structures have since been demolished. At present, the vast majority of the site is undeveloped open space; the land is covered in shrub brush and successional woodlands (see Figure 2 – Site Location). The only roadway on the property is a small section of Lakeview Avenue that provides access to Bayview Road for the residential dwelling unit.

The area surrounding the property supports a mix of uses, with the Ford Motor Company Stamping Plant located immediately north of the site (Figure 4). Open land and commercial development is situated to the south. Lands to the west includes the Woodlawn Federal Credit Union (located at the corner of Bayview Road and NYS Route 5), the roadway infrastructure for NYS Route 5, with open land, residential and commercial uses, and Lake Erie situated further to the west.

3.5.3 Zoning

The project site is presently zoned for M-3 for general industrial use. As shown on Figure 5, a project site is located within a large area that is zoned for industrial use. The M-3 zoning permits a variety of uses as-of-right, including offices and office buildings, laboratories and research and development activities, compounding and product assembly, warehousing and wholesale distribution, hotels and motels, truck terminals, lumberyards, rail freight yards, concrete products and manufacturing, manufacturing of abrasives, auto assembly and fabrication, heavy machinery manufacturing, processing and treatment of bituminous products, metal casting and foundry, open storage yards and adult uses. Public storage facilities and wind energy conversion systems are allowed by special use permit.

The subject property also falls within the boundaries of the Route 5 Overlay District. This district establishes measures to improve the quality of development and aesthetics along the NYS Route 5 corridor. Such measures are designed to improve business conditions and enhance economic development opportunities, while at the same time restoring and continuing the traditional community character of the area. The overlay provisions are aimed at helping to better manage the expansion of commercial and industrial uses along Route 5 to enrich the overall visual quality and quality of life of the area.

New York > Erie > Bay View



Figure 4 – Surrounding Land Use

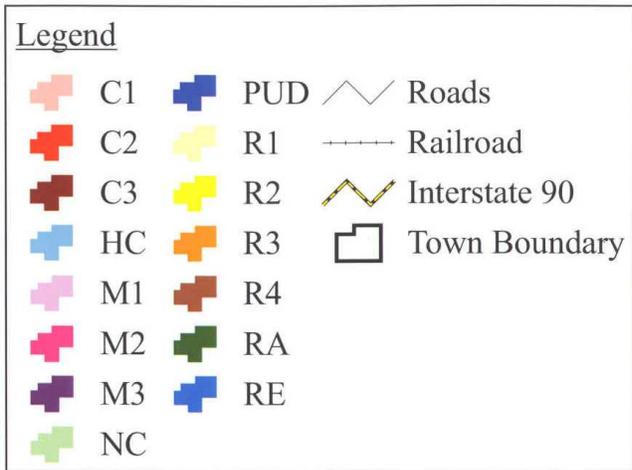
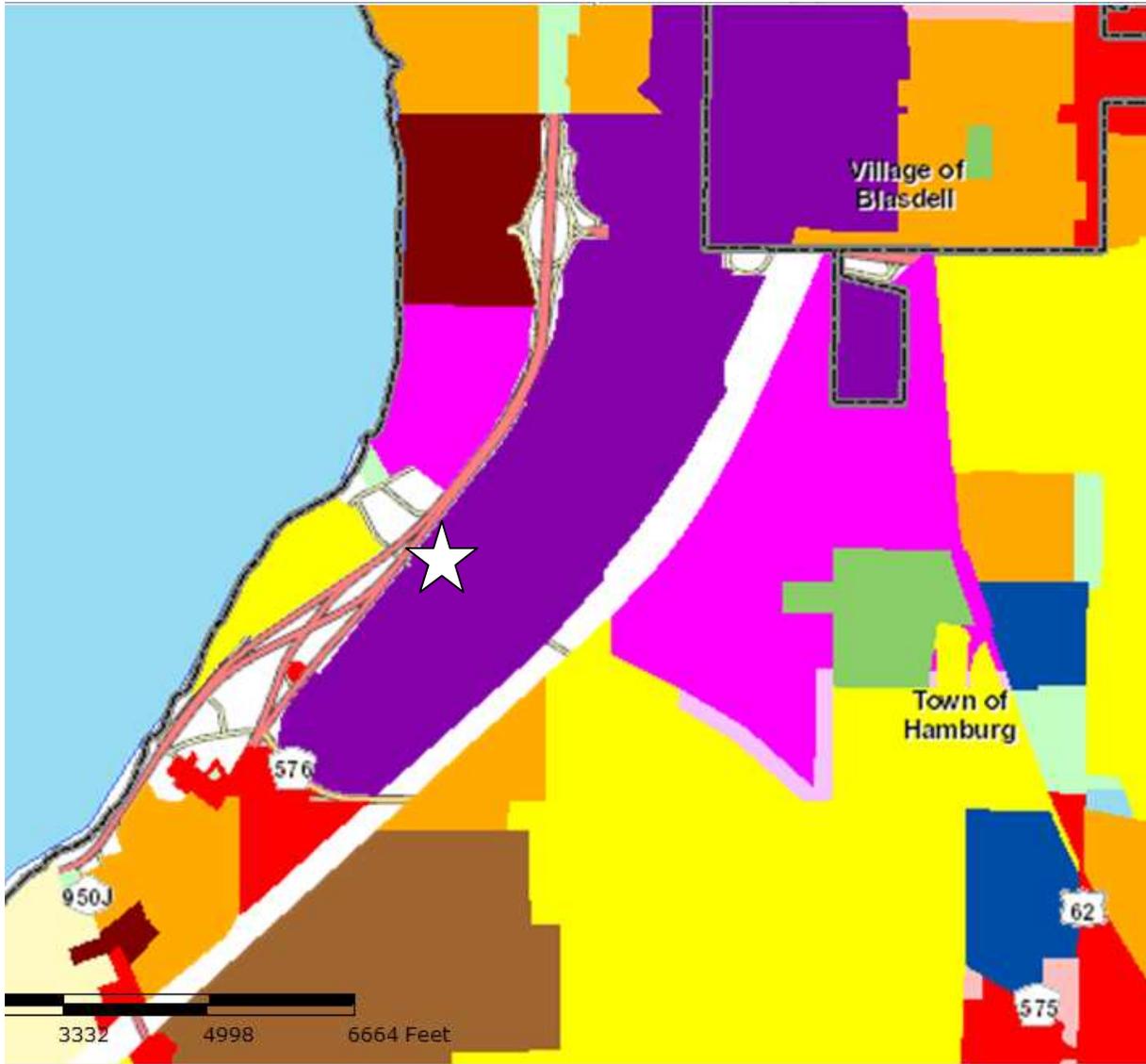


Figure 5 – Existing Zoning

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3.5.4 Local Waterfront Revitalization Area Program Consistency

The Town of Hamburg has an adopted Local Waterfront Revitalization Program (LWRP). The project site is located within the boundary of the local waterfront revitalization area. Therefore, pursuant to Article 42 of the Executive Laws of New York State, actions proposed within the LWRP boundaries must be undertaken in accordance with the LWRP policies and recommendations. Future development on the project site must be consistent with LWRP Policy 1, which relates to fostering development that enhances community character and makes efficient use of infrastructure, among other things.

3.6 Socioeconomics

3.6.1 Population and Housing

The Town of Hamburg has been experiencing population increases over the past forty years. Population in the Town in 1960 was reported at 28,234 persons (including the Villages of Blasdell and Hamburg it was 41,288 persons). Approximately 67 percent of adults over the age of 16 were reported to be in the labor force. By 2000, the population of the Town had climbed to 43,425 persons. The population data from the 2010 Census indicates further population increases, with 56,936 persons in the Town (U.S. Bureau of the Census, March 2011), representing an increase of approximately 27 percent since 2000. In 2000, the total number of housing units in the Town was 22,833. Of that number, 14,267 were reported as single-family, owner-occupied dwelling units. The median value of a home was \$95,700.

3.7 Community Facilities and Public Utilities

3.7.1 Emergency Services

The Town of Hamburg has its own Police Department. Backup protection is also provided by the New York State Police, the Erie County Sheriff's Office, and as necessary, the Villages of Blasdell and Hamburg Police Departments.

Fire protection and other emergency services for the project area are provided by the Woodlawn Fire Department. Back up assistance to the project site may be provided by the Big Tree Volunteer Fire Company (Station 2), which is located on Bayview Road, Lakeshore Fire Co., and the Blasdell Fire Department.

The area is also served by Tri-Town Ambulance Service, Rural Metro and Tri-Community Ambulance Service.

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3.7.2 Public Water Supply

The Erie County Water Authority (ECWA) provides the water supply to the Town of Hamburg from its Sturgeon Point Filtration Plant in the Town of Evans. The ECWA operates two transmission mains that transport water into the Town; a 42-inch main situated near the CSX and Norfolk Southern railroad corridor and a 48-inch main near Lake Shore Road. These mains traverse the Town through easterly and northeasterly routes. While a limited portion of Hoover Road (west of the project site) does not have water service, the water distribution system supplies water to all residents and businesses project area. It is also important to note that the Hamburg 2010 Comprehensive Plan indicates that the water distribution system in the Town, with proper maintenance and improvements, is expected to be adequate for 2010 development needs. The site is serviced by, ECWA owned, 16 inch and 24 inch waterlines on Route 5 and a 16 inch line on Bayview. These lines (16 inch line) were reported as having static pressures of 99 psi. Hydrant flow tests at 2510 GPM gave an estimated capacity of 7,278 GPM at 20 psi;

3.7.3 Wastewater Disposal

Erie County Sewer District No. 3 serves the Towns of Hamburg, Boston, Orchard Park, Eden and the Mt. Vernon, Locksley Park, Wanakah, Amsdell Heights and Cloverbank areas in the Town of Hamburg. Sewer District No. 3 operates and maintains three wastewater treatment facilities in the Town of Hamburg, the Town of Holland and the Village of Blasdell for treatment of the sewage from those communities, as well as portions of the Town of Hamburg tributary to the Village of Blasdell's system. Additionally, Sewer District No. 3 operates and maintains a network of pumping stations and interceptor sewers that transport sewage to the Southtown's Wastewater facility on Lake Erie.

There is a 15-inch sanitary sewer line located along Bayview Road that would be available to the site. There is also a 48-inch interceptor line that crosses the southern portion of the property, south of Bayview Road. This line, known as the Northeast Interceptor, is owned by Erie County. Future development on the project site would be serviced by the Southtown's plant, which is located directly northeast of the site. Like many areas in Western New York, there would most probably be required Inflow and Infiltration (I&I) remediation, at the time of development (addition of new flows into the system).

3.7.4 Other Utility Services

- Electric – Electric service in the project area is supplied by National Grid. They have two 115 KV lines bordering the project site.

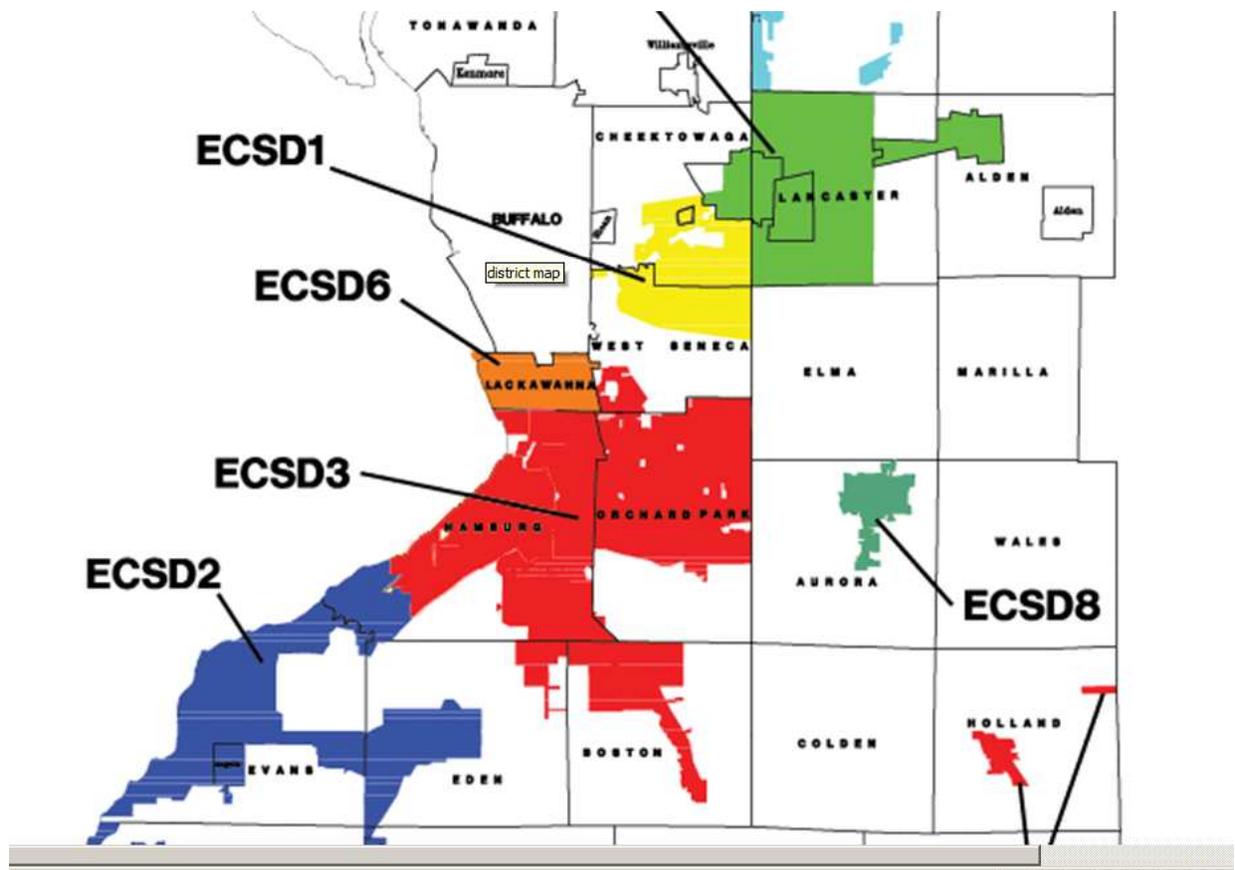


Figure 6 – Erie County Sewer Districts

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- Natural Gas – National Fuel Gas provides natural gas service to the project area via four, six and eight inch mains adjacent to the site. There is also a twenty inch line along the eastern border of the property.
- Telecommunications/Telephone service / Cable service – Verizon, AT&T and other providers supply land-line telephone service in the vicinity of the project site. Numerous entities provide wireless communication service to the area. Time Warner provides cable television service to the area. Satellite television service would also be available through Dish Network or Direct TV.

3.7.5 Solid Waste Management

The Town of Hamburg does not provide collection or disposal services for municipal solid waste, recyclables and yard wastes. The Town does pick up large household items once a month. Residents and business owners contract for solid waste services on an individual basis. Disposal is handled by private contractors. Typical contractors include Modern and Waste Management Refuse Service. Typical disposal sites for solid waste collected in Erie County include the Modern landfill in Lewiston, NY and the CID landfill in Chaffee, NY. There are no solid waste disposal sites located with the project area or the Town.

3.8 Cultural Resources

An historic resource is something with architectural, engineering, archaeological, or cultural remains present in districts, sites, buildings, or structures that possess integrity of location, design, setting, materials, workmanship, feeling and association. Each site should be associated with one or more of the following historical or cultural themes:

- Sites associated with events that have made a significant contribution to the broad patterns of history in the area,
- Site associated with the lives of persons significant in the community's past,
- Sites that embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction, and/or
- Sites that have yielded, or may be likely to yield, information important to prehistory or history.

Archaeological resources are physical remains, usually buried, of past activities on a site. They can include remains from Native American people who used or occupied a site, including tools, refuse from tool-making activities, habitation sites, etc. These resources are also referred to as “pre-contact,” since they were deposited before Native American had contact with Euro-American settlers. Archaeological resources can also include remains from activities that occurred during the historic period (beginning with European settlement) and that include Euro-American contact with Native

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Americans, as well as battle sites, foundations, wells, and privies. Cemeteries are also considered archaeological resources.

3.8.1 Historic and Archaeological Resources

There are no structures listed on the National or State Registers of Historic Places found on or in the immediate vicinity of the project site. As part of the analysis for the original DGEIS, a Stage 1B cultural resource investigation was conducted on the project site. This investigation revealed no prehistoric cultural remains. Homes that were built on the subject property in the 1920's have since been demolished. The investigation concluded that because no significant cultural resources were identified during the site analysis, no further investigation is required. The NYS Office of Parks, Recreation and Historic Preservation concluded that the proposed project would have No Impact on cultural resources in or eligible for inclusion on the State and National Registers.

3.9 Visual Resources

The Lake Erie Commerce Center property consists of undeveloped open space. The site includes a mix of open fields and scrub growth (primarily on the south parcel) and woodlands. There are no structures on the property, with the exception of a residential dwelling located on a small outparcel, north of Bayview Road.

3.10 Transportation

3.10.1 Existing Transportation System

Lake Shore Road (NYS Route 5) is the principal arterial that provides north-south access through the project area, linking the area with the City of Buffalo and the City of Lackawanna to the north and the Town of Evans to the south. Milestrip Road (NYS Route 179) and Big Tree Road (US Route 20A) provide primary access from the east. Camp Road (NYS Route 75) also ties into Lake Shore Road from the southeast. Lake Shore Road is a seven-lane arterial from the northern boundary to Milestrip Road. From Milestrip Road to Camp Road, Lake Shore Road has six lanes.

Public Transit

Currently, the Town of Hamburg receives Metro Bus service along four routes that travel through or serve as a destination point within the Town's limits. Two of the transit routes are express buses that travel through the Town to points south (Town of Boston) and west (Town of Brant) with access to Woodlawn, Lake Shore Road (NYS Route 5) south to Lakeview, Camp Road (NYS Route 75), and the Village of Hamburg. Three of the four routes service the Athol Springs Park and Ride facility in that vicinity. This facility serves as an automobile/transit transfer point for commuters in the Hamburg area. The NFTA has expanded and upgraded the facility at Athol Springs to accommodate more passengers and provide more efficient service. This facility is

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located just off NYS Route 5, on the access road that connects Big Tree Road to the St. Francis traffic circle (just south of the project site).

Railroad

The CSX and Norfolk Southern Railroads operate rail lines for the commercial transport of freight, which traverse the western portion of the Town in a north-south orientation. CSX operates three sets of tracts that run parallel to and approximately ½ mile inland from NYS Route 5. Norfolk Southern operates a single track that runs just east of and parallel to the CSX tracks. There is no passenger rail service in the area. The rail corridor represents the eastern property boundary, as well as a separation between the lakeshore neighborhoods and industrial uses and upland residential areas. The rail corridor also limits access from the east.

Pedestrian/ Bicycle

This area is a highly automobile dependent area. There are no existing sidewalks or trails in the area. The Town proposed a bike path along Bayview in the past but this project was dropped.

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**SECTION 4.0
POTENTIAL ENVIRONMENTAL IMPACTS**

Although summaries are provided for many of the potential environmental impacts from the proposed project, this section focuses on the potential impacts identified for this supplemental GEIS.

4.1 Topography, Geology and Soils

Although fossil-rich shales and limestones are found in bedrock throughout large sections of Erie County and the Town of Hamburg, the accessibility of fossils in exposed layers in outcrops is critical in determining environmental significance. The project site does not contain exposed bedrock outcrops. The bedrock spoils pile that exists in the northeast portion of the site, along the railroad tracks, will not be disturbed as a part of future site development. In addition, the land uses that are anticipated for the subject property would not have basements or require significant subsurface excavation that could adversely impact fossil deposits (see Section 4.7).

The depth to bedrock is generally at a depth of greater than five feet. However, in areas where topsoil has been removed on the southern portion of the site, the depth to bedrock is likely less than 5 feet. Blasting is not expected to be necessary, but cannot be fully discounted for the installation of sewer infrastructure. In the event blasting may be required, appropriate permits must be secured from the Code Enforcement Officer and pre-and post-blasting surveys would have to be completed, as required.

All of the soils on the project site have a high clay content, erode easily and have a high susceptibility to sheet and rill erosion. Due to these soil characteristics, uncontrolled vegetative loss and soil disturbance would result in soil loss, erosion and sedimentation problems in drainage ditches and nearby Foster Brook. Therefore, adequate stormwater management, in the form of an approved Stormwater Management Plan, will be required for all development projects that occur on the project site (as noted in Section 4.2.2 below). Appropriate engineering measures may also be required to address potential issues with soil drainage and stabilization for structural footings and foundations.

4.2 Water Resources

4.2.1 Groundwater and Surface Water Resources

USGS mapping indicates that there are no primary or principal aquifers underlying the project or surrounding area. USGS topographic and Erie County Soil Survey data reveal that the groundwater table in the project area lies at a depth of less than two feet below the grade during certain times of the year. Buildings are not anticipated to have basements and proper drainage systems will be installed. Therefore, the future development of the project site is not expected to result in any adverse environmental impacts to groundwater resources.

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4.2.2 Stormwater Management

At present, stormwater drainage follows the topography of the site, generally flowing from northeast to southwest, with the lowest point on the project site situated in the southwestern corner of the southern parcel, near NYS Route 5. Future site development will alter natural drainage patterns on the site. The increase in impervious surfaces will increase the rate and volume of stormwater runoff and affect the quality of the run-off, as a result of development. In addition, during construction (as previously noted), exposed soils may be subject to erosion by stormwater.

In accordance with the Town of Hamburg Stormwater Management and Erosion and Sediment Control Law (Chapter 226A of the Town Code) and companion Stormwater Control Law, any future development of the Lake Erie Commerce Center property that involves the disturbance of one or more acres of land will require a permit for construction activities and the preparation of a Stormwater Pollution Prevention Plan (SWPPP). A SWPPP is a plan for controlling runoff and pollutants generated during and after construction of on-site facilities. This plan will outline appropriate erosion control techniques that will be used during construction, standardized techniques that will be used to reduce or eliminate erosion and sediment loading to the intermittent stream and off site water bodies, and techniques for controlling increased rates of runoff to pre-development levels. The SWPPP will comply with the requirements of the New York State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). Compliance with the General Permit requires quantity controls (channel protection, overbank flood, and extreme storm), water quality treatment, and runoff reduction.

Future site developers will be required to follow the recent changes to the New York State Stormwater Management Design Manual (SMDM-August 2010), which requires site development projects to provide a reduction of the volume of runoff generated from newly constructed impervious areas. The SMDM describes many different “green infrastructure” techniques that may be used to meet site specific development requirements. These practices include, but are not limited to, conservation of natural areas, tree plantings, the disconnection of rooftop runoff, rain gardens, green roofs, and rainwater harvesting systems. Green infrastructure practices also provide some measure of water quality treatment. Each project will calculate a water quality volume required for treatment based on project specific information (total site area and area of imperviousness). This calculated water quality volume is also the target runoff reduction volume. However, in many cases, this target runoff reduction volume is difficult, if not impossible, to achieve. In these cases, the SMDM offers a formula to calculate a minimum required runoff reduction volume. If projects cannot achieve this minimum, they will be required to apply for an Individual SPDES Permit.

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Once the runoff reduction volume requirements are met, developers will continue to use standard techniques from the SMDM to meet the remaining water quality volume treatment requirements (if needed) and quantity controls. Quantity controls temporarily detain runoff and limit peak discharges to predevelopment conditions. These controls are typically provided by detention ponds (dry under normal conditions), retention ponds (wet under normal conditions), or underground detention pipes or chambers.

The most logical location for detention or retention facilities is on the lowest part of the site. Detention/retention facilities would therefore be best located along NYS Route 5. If retention ponds are used, significant amounts of fill material may be generated due to the minimum required 6 foot to 8 foot of normal water depth. Pond depths could also be increased beyond the minimum to provide additional fill as long as bedrock is not encountered. As noted in Section 3.1.1, bedrock is generally situated at least five feet below grade. It should also be noted that some downstream improvements may be necessary in certain areas (current capacity issues).

4.2.3 Floodplains

According to the FEMA flood insurance rate map, only a small area in the southwestern portion of the project site falls within a 100-year floodplain. Any future development that is proposed in this area (concept Plans do not show development in this area) must comply with the requirements of Section 115-17 of the Town of Hamburg Flood Damage Prevention Law, which regulates the development of non-residential structures in 100-year floodplains.

4.3 Ecological Resources

4.3.1 Vegetation and Wildlife

The project site is vegetated with a mix of shrubs and old field habitat species that is in various stages of successional growth. As the project area was previously cleared for agricultural use, none of the original elm-red maple northern hardwood forest remains.

4.3.2 Wetlands

An on-site wetlands delineation was performed as a part of the original DGEIS for this site. That investigation revealed the presence of a number of small federal wetland areas. More recently, the consultant that performed the original study visited the site and determined that the existing wetland areas may have changed slightly, but no further study or delineation was undertaken. At the time that development is proposed on the subject property, updated wetlands delineation will be required to determine the current location and extent of on-site resources. Based upon the findings of updated delineations, appropriate mitigative measures would be required.

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The option also exists for Hamburg New York Land Development Company to have an updated wetlands delineation performed prior to having specific development proposals in place. However, as wetlands studies have a horizon, should development proposal not be readily forthcoming within an approximate five-year timeframe, the possibility would exist for such studies to expire.

4.4 Climate and Air Quality

Significant adverse impacts on climate and air quality are not expected to result from the manufacturing and business uses proposed at this site. Restrictions in the Zoning Code and limitations on proposed uses recommended in this SGEIS will not allow “smoke-stack” industries. Limited emissions would be expected from the type of uses envisioned for this site. In an effort to control potential air emissions, certain uses that are typically permitted in an M-3 General Industrial District would be restricted on the project site.

Impacts to air quality from proposed site development may be created through a potential increase in project-related vehicular exhaust emissions. The primary pollutants associated with vehicular exhaust emissions are Nitrogen Oxides (NO_x) and Carbon Monoxide (CO). Based on the results of the traffic impact analysis, the proposed project will not result in large enough increases in traffic volumes to result in noticeable impacts to the ambient air quality in the area. It should also be noted that the project site is strategically located near major highway systems, is in an urbanized area (shorter trips for employees and suppliers), and has access to rail service. In addition, air emissions discharges may also result from any back-up generators or similar devices that would be used for back-up power supply to potential site users. It would be expected that the use of such equipment would be short-term in nature and temporary.

Air emissions are regulated by the NYSDEC Division of Air Resources, under 6 NYCRR Part 201. Any and all emissions discharges that may occur on the project site would be in full compliance with State and Federal air quality permitting standards. Therefore, any potential impacts to air quality are not expected to be significant and there would be no long-term impacts as a result of future site development.

4.5 Noise

Existing noise levels in the project area reflect a typical suburban setting with typical background noise that is exacerbated by roadway traffic along NYS Route 5 and the rail corridor. Environmental sounds, such as birds, airplanes or traffic on adjoining roadways may be noticeable, but not to the degree that would affect ambient noise levels in the area. There will be a short-term increase in noise, and possibly odors, resulting from construction activities at the project site. Construction of access roadways and associated infrastructure will create intermittent bursts of noise from construction equipment and activities. Subsequent construction of new businesses in the area will also result in temporary construction noise impacts. These impacts are

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short-term and temporary in nature and would be eliminated upon the completion of construction activities.

According to NYSDEC guidelines contained in the NYSDEC document “Assessing and Mitigating Noise Impacts,” noise impacts pertain when there is a significant increase over ambient levels. These guidelines also indicate that no noise evaluation is necessary when the proposed use is allowed by right under zoning. This consideration, combined with the protections that will be included in the zoning district language developed for this project, will help to mitigate against long-term noise impacts due to development of the site.

Additionally, with the exception of a small residential neighborhood situated southeast of the site, there are no residential dwellings or other sensitive receptors located in the immediate vicinity of the project site. Equipment used at this site would comply with Town Code requirements and is not expected to result in significant adverse environmental impacts.

4.6 Land Use and Zoning

The future development of the Lake Erie Commerce Center site will change land use in the area. A large area of the open space on this site will be developed with business and manufacturing uses. The Town of Hamburg Comprehensive Plan indicates that potential commercial and industrial development is recommended for this area of the Town. Commercial and industrial growth in this area is also supported by the Erie County Framework for Regional Growth. Therefore, the proposed action would be consistent with the local and regional land use recommendations for this part of the community.

4.6.2 Zoning

The project site is presently zoned general industrial uses (M-3). The existing zoning would help the Town to achieve the goals and objectives of the Comprehensive Plan, which recommended economic development for this part of the community, as well as the policy guidance recommendations of the Erie County Framework for Regional Growth. The project site is located within the Route 5 Overlay District. These regulations are superimposed over, and supplement, the underlying M-3 General Industrial zoning provisions. The future design and layout of proposed development will comply with the provisions of this district, including aesthetic and architectural features, parking, landscaping, signage, site lighting and roadway access.

Certain uses allowed within the M-3 Zoning District may not be appropriate for this specific area and could cause other potential environmental impacts. These “heavy industrial” users (including lumber yards, coal yards, concrete and cement mixing plants, petroleum bulk storage facilities, large-scale propane storage and the processing or treatment of bituminous

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products) could cause impacts not fully evaluated in this SDGEIS and restrictions should be established to prohibit these uses.

4.6.3 Local Waterfront Revitalization Area Consistency

The Lake Erie Commerce Center is located within the Local Waterfront Revitalization Area boundary. Therefore, future site development is subject to consistency review in accordance with the policies and recommendations of the Town of Hamburg Local Waterfront Revitalization Program. The LWRP recommends that the proposed use of the lands east of NYS Route 5, along Bayview Road, remain business commercial and industrial. The future use and development of the Lake Erie Commerce Center must be consistent with a number of LWRP Policies, including:

- Sub-Policy 1.1 – Concentrate development and redevelopment in order to revitalize deteriorated and underutilized uses and strengthen the traditional waterfront focus of the area.

The proposed action strategically locates commercial and industrial development in an area where these types of uses are recommended and encouraged. The area has ready access to inter-state transportation routes and rail service, as well as public infrastructure. Development will be undertaken in accordance with the design standards set forth under the Route 5 Overlay District, ensuring that future uses on the site are in keeping with the traditional character of the area.

- Sub-Policy 1.4 – Minimize the adverse impacts of new development or redevelopment on the waterfront.

Development on the Lake Erie Commerce Center site will be undertaken in a manner that minimizes adverse impacts to natural and community resources. As development is proposed on the project site, site specific assessment of significant resources, such as wetland delineations or further traffic analysis, may be required to insure that potential environmental impacts are identified, avoided and/or properly mitigated.

- Policy 3 – Enhance visual quality and protect outstanding scenic resources.

The project area falls within the boundaries of the Route 5 Overlay District. Future site design must adhere to the provisions of this district, which includes aesthetics and architectural design.

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- Policy 7 – Protect and promote air quality.

Zoning thresholds will be employed to restrict uses on the site that could potentially result in the generation of adverse air emissions.

- Policy 8 – Minimize environmental degradation from solid waste and hazardous waste substances.

Although the project site is zoned M-3 General Industrial, zoning thresholds will be employed to restrict uses that could potentially result in the generation of emissions, wastes or similar adverse impacts. Furthermore, the M-3 zoning provisions also prohibit uses that would result in fire or explosive hazards, the dissemination of atmospheric pollutants, noise or odors that could adversely impact adjoining residential districts.

- Sub-Policy 13.1 - Conserve energy resources and promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.

Buildings that would be constructed on the project site would utilize energy efficient systems and be constructed of energy efficient building materials, in accordance with the New York State Energy Code and Building Code. It is also expected that future site developers will also work with NYSERDA to employ energy efficient practices and techniques in building design.

4.7 Historic and Cultural Resources

Based on the results of Cultural Resource assessment that were conducted on the subject property as part of the original DGEIS, there are no historic structures or known archaeological resources located on, or in the vicinity of, the project site. Therefore, no impacts to cultural resources will result from the proposed action.

4.8 Visual Resources and Site Planning Issues

4.8.1 Visual Resources

Future development of the Lake Erie Commerce Center property will change the visual character of the project site, with views of three-dimensional structures replacing those of open and generally level open land. The Town of Hamburg considers the Route 5 area as a gateway to the community and has established important design standards in a zoning overlay district: the Route 5 Overlay. Views of site development will be available from certain vantage points (including Route 5); other views may be partially or fully screened by existing vegetation on adjoining

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properties or vegetation that will remain on the subject property. The use of trees and other landscape plantings and/or earthen berms will help to improve future views of the site.

Although the exact types of users for the project site are unknown at this time, the purpose of the project is to provide opportunities for the development of the Business Park and manufacturing. Site development for these types of uses would involve the construction of larger structures to accommodate their needs. Buildings would be designed to be compatible with the surrounding environment to the greatest extent possible since the Route 5 Overlay was established after the original DGEIS, this supplemental should address the visual and aesthetic issues identified in that overlay. Architectural and other design requirements and Landscaping features would be utilized to soften the appearance of buildings and improve aesthetics. Existing vegetation, as previously noted, would be retained to the greatest extent possible to help screen certain aspects of site development. Although buildings will change the character of the site, the area is urban/suburban in nature and existing uses are situated at varying distances from potential development areas. With the exception of a small residential neighborhood located south of Bayview Road, east of the site, most surrounding land uses are more distant. With the requirements of the overlay and other established conditions, the proposed action is not expected to adversely impact the character of the surrounding area.

Another aspect of visual resources is site lighting. At present, the project site is open land with no building or other structures that will project artificial light. The area is dark at night. After site development, sources of artificial light will be introduced to the site in the form of lighting standards for parking area and aesthetic or security lighting on buildings. This will change the visual character of the site at night and could potentially impact surrounding land uses. Future site development would be required to implement measures to reduce or eliminate glare from the site, including the use of dark sky compliant lighting fixtures, to help reduce these potential impacts. Therefore, future development of the project site is not anticipated to result in significant adverse visual impacts to the surrounding area.

4.8.2 Site Planning Issues

Typically, a project such as The Lake Erie Commerce Center, which is the subject of a GEIS, would require that future proposed development projects undergo the site plan approval process through the Hamburg Planning Board. This process would help to ensure that any specific future project's site plans meet Town requirements and that the conditions / thresholds / mitigations established on the GEIS process are met.

The action before the Town though, is for the designation of this site as "Pre-Permitted" under the Town's Incentive zoning Law; which would then not require site plan approval for future proposed projects. To meet the requirements of the Town's "Pre-Permitted Site Incentive Law" and to ensure that specific site plan issues do not result in any significant environmental impact,

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additional detail concerning site plan issues are necessary. This additional detail can include such things as specific requirements or thresholds.

Potential environmental impacts could occur from such site plan issues as: types of uses on the site, setbacks of buildings, size and location of buildings, lighting, driveway / road locations, location and types of accessory uses and structures, signage, etc.

With these specific requirements and thresholds, impacts to ecological resources, air quality, aesthetics, community plans and goals, transportation and public safety can be reduced. Section 7.0 of this document outlines these proposed requirements and thresholds, which will be incorporated into a thorough Findings document. Since future projects will not require site plan review and approval by the Planning Board; the Town Planning, Engineering and Building Departments will be responsible for ensuring that any future plans meet these requirements and thresholds. If a project cannot meet any of these requirements or exceeds certain thresholds, the project would require Planning Board review and the possible need for another Supplemental GEIS.

4.9 Public Utilities and Infrastructure

4.9.1 Public Water Supply

The Erie County Water Authority will supply public water to the Lake Erie Commerce Center property.

Proposed uses are not known at this time but the general types of uses that are expected to occupy the site are not expected to be large consumers of public water. This DSGEIS could set a threshold for the quantity of water that could be utilized and a threshold on fire flow requirements. This information will be added to the SFGEIS, based on input from the ECWA and the Fire Companies.

4.9.2 Wastewater Disposal

The project site is located within Sewer District No. SS-1, with wastewater flow discharged to the Southtown's Wastewater Treatment Plant, which is located directly northwest of the site. The Southtown's wastewater treatment plant has the design capacity to handle an average daily flow rate of 16 million gallons of water daily (MGD). The existing average daily flow rate is approximately 14 MGD, but heavy rains can increase the volume of flow via discharges into storm sewers, resulting in peak flows to the Plant. Wastewater generated by future site development would be processed at this plant.

The Southtown's wastewater treatment facility appears to have capacity to accommodate future flow from the project site. Erie County, though, does not commit capacities to potential

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future users. Each proposed future use would have to submit information to Erie County for review, and could involve the requirement of mitigation (especially for inflow and infiltration). Therefore, with these mitigations as required by the County, the proposed action is not anticipated to result in adverse environmental impacts.

4.9.3 Other Utility Services

The future development of the project site will increase the demand for utilities such as telephone service, natural gas, electricity and cable service/telecommunications.

There is an existing electric transmission corridor, which is owned by National Grid, which extends along the eastern boundary of the south parcel and bisects the north parcel. National Grid has confirmed the capacity of this system to provide required electrical demands (a letter indicating this capacity will be added in the FSGEIS). Therefore, the proposed action is not anticipated to result in significant adverse environmental impacts on the electrical service capacity in the area.

National Fuel Gas provides natural gas service to the project area via several high pressure lines which will provide adequate service to the users in the Park (a letter concerning the capacity of the system will be included in the FSGEIS).

Development of the subject property will increase the demand for communications services, including telephone, cable and internet. These services would have to be extended to the project site; such installation would be undertaken by the local service providers, with costs borne by the users. Service is available in the area to service project development.

4.9.4 Solid Waste Management

Increased amounts of solid waste will be generated by future users on the project site. Solid waste generation is expected to be typical of uses allowed in industrial business parks. In the Town of Hamburg, non-residential uses are responsible for contracting with commercial waste disposal services for the collection and disposal of solid waste materials. If small quantities of regulated hazardous waste are generated, on-site users must comply with NYSDEC regulations and special provisions for waste management.

4.10 Transportation and Traffic Impacts

Future development at Lake Erie Commerce Center project site will increase traffic on NYS Route 5, Bayview Road and other roadways in the vicinity of the site. A Traffic Impact Analysis was prepared to assess existing and future traffic operations on the street network in the vicinity of the project site, to evaluate potential traffic impacts resulting from the full build out of the project site, and to identify appropriate mitigation measures to avoid or minimize potential

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impacts to the transportation system (the Traffic Impact Analysis is included in Appendix C). As determined in the original DGEIS and confirmed in this supplemental, without mitigations (the addition of a new entrance onto Route 5 and changes to Bayview Road, or other), the potential transportation impacts from build out of this site could be significant. Because users are unknown at this time, and therefore the amount of traffic to be generated is unknown, estimates are made and thresholds are set, to require certain mitigations at certain levels of traffic generation.

4.11 Unavoidable Adverse Environmental Impacts

During the development of any project, regardless of the magnitude, certain adverse impacts on the environment will result despite of all of the measures that are put in place to mitigate such impacts. SEQRA contemplates the balancing of these impacts against social, economic and other relevant considerations (6 NYCRR 617.1.d). The unavoidable impacts anticipated as a result of the development of the proposed action are summarized in this section.

4.11.1 Unavoidable Short-Term Impacts

- Unavoidable short-term impacts are related to future construction activity on the Lake Erie Commerce Center property. These impacts are temporary, localized and relative minor in nature. Short-term impacts would cease upon completion of the project development activities. These include:
 - Increased traffic levels due to the movement of construction workers and off-site construction equipment;
 - Increases in noise levels in the immediate vicinity of the project site;
 - The creation of fugitive dust due to soil disturbance and truck movement; and
 - Small, localized increases in air emissions from construction equipment.

4.11.2 Unavoidable Long-Term Impacts

Certain long-term environmental impacts will result from the construction and operation of buildings on the project site. These would include:

- Traffic volumes in the vicinity of the site will increase as a result of site development, as well as normal growth in the surrounding area. NYS Route 5 is a very busy and heavily traveled north-south route in Erie County. With proper mitigation, this roadway, and other surrounding roads, will have the capacity to handle the additional traffic that will result from future site development. However, overall traffic volume will increase.
- The loss of existing open space/undeveloped land is an associated impact of future, long-term site development. This may result in a reduction of wildlife habitat in the area. Wherever possible, existing open space will be preserved on the property, including some

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small areas of woodland and wetland areas that will be avoided. Where natural buffers of existing vegetation do not exist, and in the vicinity of proposed structures, landscaping will be used to fill the void and supplement remaining natural habitat.

- Future site development will permanently change the visual character of the site. Views from certain areas will change, with three-dimensional structures replacing open fields and woodlands. Site lighting will also be introduced into an area that is currently dark at night. Structures would be designed to blend with their surrounding environment to the greatest extent possible and measures would be implemented to reduce or eliminate glare from the site, including the use of dark sky compliant lighting fixtures, to help reduce these potential impacts.
- The long-term development of the subject property will result in an increase in energy usage. Structures on the site will require a long-term commitment of electric and natural gas services for heating, cooling and lighting. In addition, there will be a permanent commitment of building materials for on-site structures, paved surfaces and infrastructure. The unavoidable commitment of public water from the Erie County Water Authority system, as well as increases in wastewater that must be processed at County facilities. The solid waste generated on-site must also be handled and disposed of locally.
- Site development will require a commitment of economic resources for the cost of construction materials, labor and equipment. Fuel will also be required for the construction and long-term operation and maintenance of structures on the site.

4.12 Cumulative Impacts

When considering the potential adverse environmental impacts of an action, the Lead Agency must consider reasonably-related cumulative impacts, including other simultaneous or subsequent actions that are included in any long-range plan that the proposed action is a part of, any actions that may result from the development of the proposed project, and actions that are dependent on the development of the proposed action. Cumulative impacts (impacts from two or more related actions) are the potential impacts of a proposed action taken in conjunction with other active or anticipated development in the surrounding vicinity, where the total impacts may potentially result in impacts that are greater than what is anticipated from any one project alone.

An analysis of cumulative impacts is generally required in a DGEIS when it is expected that multiple projects within the area may result in a greater cumulative impact. The project area is suburban and, at this time, there are no other projects proposed or currently under development in the vicinity of the subject property that should be taken into consideration as part of this environmental assessment. Therefore, no cumulative impacts are anticipated from the proposed action and any further analysis is unwarranted.

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4.13 Growth Inducing Impacts

SEQR requires the analysis of growth inducing impacts. Development on the Lake Erie Commerce Center project site will result in the creation of employment opportunities for residents in the Town of Hamburg and surrounding region, including construction-related jobs. Site development is reasonably expected to result in some secondary growth in the form of residential development in response to the availability of employment and the desire to locate in closer proximity to the workplace. Expected increases in population and residential development would likely impact enrollment in the local school district and create elevated demand for emergency services. It is conceivable that increased employment opportunities could stimulate population in-migration. However, it is not expected that any population increases would off-set recent population losses experienced in the region. Any population increases are also likely to be distributed across the area, not just within the Town of Hamburg, minimizing localized impacts. Future site development may also generate a demand for new or expanded support businesses and service providers in the surrounding area to accommodate the needs of on-site workers. In addition, the project will result in a direct increase in the tax base in the Town.

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**SECTION 5.0
MITIGATION MEASURES**

The mitigation measures that are proposed for the Lake Erie Commerce Center are discussed in this section. These measures are designed to address potential impacts that may result from the proposed action. One of the key requirements imposed under SEQRA is that agencies ensure that potential adverse environmental impacts are minimized to the greatest extent possible or avoided. The SEQR Lead Agency is responsible for the decision, subject to the rule of reason, of which mitigation measures should be incorporated into the Final GEIS for this project.

5.1 Soils

The project site includes hydric soils which support identified areas of freshwater wetlands. Hydric soils are also found along the western side of the railroad corridor, which extends along the eastern boundary of the southern parcel. A wetlands delineation was performed in May of 1994, as part of the original DGEIS. Prior to future site development, wetlands will be re-examined to confirm their extent on the subject property. Site development will avoid the disturbance of hydric soils (and associated wetlands) to the greatest extent possible.

5.2 Wetlands and Ecological Resources

As noted above, a number of small wetland areas were identified on the site as part of a wetlands delineation performed as part of the original DGEIS. Prior to future site development, wetlands will be re-delineated to determine their full extent, with appropriate sign-off from the Army Corps. of Engineers. The identified areas of freshwater wetlands will be avoided and protected from the impacts of site development to the greatest extent possible.

5.3 Stormwater Management

To properly assess potential stormwater impacts and management needs, a Stormwater Pollution Prevention Report will be prepared for future site development activities. If the subject property is developed as individual parcels, stormwater management plans will be done for each development project, as required. Stormwater runoff that is generated by future site development activities will be managed by on-site detention or retention facilities. The design and construction of the stormwater basins will be undertaken in full compliance with all State and local standards to avoid potential adverse impacts. Future site development will also occur in phases that will offset potential impacts.

The Town will encourage the use of Green Infrastructure techniques to reduce run-off quantities and improve the quality of that run-off.

5.4 Land Use

The future land uses that could be located on the site, by the Town's Zoning Law, could be any use allowed in the M-3 District. This district allows many different type uses, which

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when analyzed against the Comprehensive Plan and Regional Plans would technically be allowed.

Understanding the vision created by the Town in the Route 5 Overlay, the vision of the owners of the site, and potential impacts that could be created by certain allowed uses, certain uses should be restricted from this site. In examining the zoning Code, it would seem necessary, based on the above, that the following uses not be allowed within the proposed site: lumber yards and coal yards, concrete or cement mixing plants, storage of petroleum and petroleum products (as primary use), processing or treatment of bituminous products (asphalt plants), and metal casting and foundries. These uses would not be in accordance with the vision of the Town or owners and would create environmental impacts not fully addressed in this SGEIS or previously completed GEIS.

5.5 Transportation

To address the potential adverse impacts to the local transportation system, thresholds will be established for the implementation of highway improvements. The improvements will be implemented in accordance with the findings of a traffic analysis that was undertaken for this project as a part of this SGEIS, and the mitigation measures outlined in the traffic study completed under the original DGEIS.

One building has already been constructed on the site – the 10,000 square-foot Woodlawn Autoworkers Federal Credit Union. Using the ITE Trip Generation Manual, 8th Edition, the trip generation from this building is estimated to be approximately 20 vehicles during the PM peak hour and isn't in operation during the AM peak hour of the adjacent roadways.

Since this one building has already been constructed within the Lake Erie Commerce Center, generating approximately 20 trips during the PM Peak hour, it would be assumed that any remaining development within the project site will only be permitted to generate additional 80 or so trips during the PM Peak hour before LOS degradation occurs at nearby intersections. However, compared to the manual turning movement counts conducted for the original TIS, the 2011 traffic counts of adjacent roadways reported by the NYSDOT and GBNRTC show that traffic volumes on adjacent streets (NYS Route 5, Bayview Road, Big Tree Road, and St. Francis Drive Extension) have actually decreased a total of 10 to 15 percent over the last 20 years. This would suggest that even with the traffic generated by the credit union, traffic volumes on adjacent roadways in 2011 are less than that observed in 1992. This means that additional development within the Lake Erie Commerce Center (in addition to the credit union) that generates traffic no greater than 100 trips in a peak hour would likely not result in any degradation to the LOS of nearby intersections. Therefore, in addition to the existing Woodlawn Autoworkers Federal Credit Union, additional development that could occur within the Lake Erie Commerce Center before the outlined phased transportation improvements will be required would equate to any combination of

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buildings/ uses located on Bayview Road, with single access to Bayview Road only, that generate a total of 100 trips during either the AM or PM peak hour.

Any development occurring within Lake Erie Commerce Center that would generate traffic in excess of 100 AM or PM peak hour trips would either need to mitigate traffic impacts according to the phased transportation improvements identified in the original TIS and summarized in this document or a new traffic impact study would need to be conducted to determine whether conditions have changed to warrant alternative mitigation measures.

5.6 Cultural Resources

As discussed in Section 4, a Phase 1A Cultural Resource Assessments was conducted on the project site as part of the original DGEIS and no pre-historic or archaeological artifacts or evidence of Native American habitation was found. Therefore, there no impacts anticipated and no mitigation is required.

5.7 Visual Resources

Future site development will be visible from certain locations around the project area. To mitigate potential visual impacts, the proposed development will comply with architectural and other design standards to regulate building design and setbacks, landscaping, buffering, lighting, etc. For buildings facing NYS Route 5 and Bayview Road, façade materials shall include brick, split block, stone, wood frame with cedar siding and similar materials. No corrugated steel or pre-fabricated materials are recommended. In addition, a 50-foot landscaped setback will be required along the NYS Route 5 and Bayview Road property frontages, and loading docks shall not be oriented to face these roadways. A 40-foot landscaped setback will be required from any internal roadways that are constructed on the property. A buffer of existing natural vegetation, measuring no less than 75 feet in width, will be preserved along the west side of the rail corridor (see Figure 7 – Greenspace / Buffer Issues and Setbacks) to screen nearby residential uses to the greatest extent possible. The introduction of landscaping features (trees, shrubs, ornamental plantings and/or earthen berms) will help to soften and improve visual quality. The use of trees will help to screen views over the long term. Signage will also be restricted to a single monument sign along Route 5 or Bayview Road displaying the names of individual businesses located within the Commerce Center. Individual company signs will be prohibited along both roadways. No electronic signage will be permitted. Site lighting will be restricted and dark sky compliant fixtures will be required. Lighting orientation and intensity will also be regulated, with requirements for lighting to be directed downward and away from property lines to avoid spill over onto adjacent properties. Building design and materials will be restricted to provide better integration with the surrounding environment.

5.8 Air Quality and Noise

The uses that are typically permitted in an M-3 General Industrial District that could result in adverse air quality or noise impacts will be restricted on the site as part of the zoning

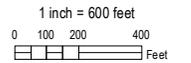
Figure 7

Lake Erie Commerce Center SGEIS Site Plan Issues Greenspace / Buffer Issues & Setbacks



LEGEND

- Parcels (2010)
- Setback/Greenspace Areas
- Potential Greenspace Area



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threshold developed for this project. In addition, future site development must be consistent with LWRP policy standards that address air quality. It is anticipated that future site development will not result in adverse air quality or noise impacts...

5.9 Public Utilities and Infrastructure

As discussed in the Thresholds Section of this DGEIS, mitigations may be necessary if certain thresholds are exceeded. When projects are proposed, reports on sewage generation, water demands, storm water flows, and energy requirements will need to be submitted. Based on these reports, the Town and other Involved Agencies will determine if the thresholds established are exceeded and the mitigations proposed are required with respect to public utilities and infrastructure.

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**SECTION 6.0
ALTERNATIVES ANALYSIS**

6.1 Introduction

The following section of the DSGEIS discusses the evaluation of alternatives for the development of this site. For a Generic EIS, where there is no specific future development project being proposed, this analysis is much different. The preferred development concept is generated by the analysis of existing conditions and the goals and objectives of the project, weighted against the environmental ramifications of the development of the site. In the case of this SDGEIS, a preferred development option has not been chosen, but a variety of development options have been evaluated to determine the different impacts from each and potential mitigations that would be necessary.

Therefore, for the purposes of this DSGEIS, the following alternatives were analyzed:

1. Alternative 1 (No-Action alternative)
The No-Action alternative represents a required component of an EIS, and consists of the properties remaining as they are now. This current condition and the No-Action Alternative were evaluated in the original DGEIS and FGEIS. Without the development of this site, the Town and residents of the community would not see the benefits of an increased tax base, increased employment and related economic impacts.
2. Alternative 2 (Alternative Magnitude)
This alternative was evaluated in the original DGEIS and has been further evaluated in this supplemental, looking at the development of the site by two users, up to multiple users in a business park.
3. Alternative 3 (Design Alternatives)
This alternative has been further evaluated in this supplemental by looking at site plan issues in accordance with the Pre-Permitted Site Incentive Law.
4. The original DGEIS included an Alternative Land Use discussion which stated that, ...”the consideration of alternative land uses does not appear to be within the range of reasonable alternatives given the common objectives of the developer and the Town to encourage industrial development on this site.” The Town’s Comprehensive Plan and LWRP, as well as the Erie County Framework for Regional Growth, identify this area for future commercial and industrial development.

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6.2 Alternative 1: No Action Alternative

With this baseline alternative of no action, and presuming the properties would remain vacant, there would be minimal to no environmental impacts. Although there would be no environmental impacts due to this no action alternative, the following would result:

1. The Town and region would not realize the economic benefits of the development of this site into business and manufacturing uses.
2. The Town and region would not achieve additional employment opportunities and revenue increases.
3. The Town would not realize any return from its investments into infrastructure in the surrounding area.
4. A more random future development scenario could occur on the site.

6.3 Alternative 2 (Alternative Magnitude)

The properties (north and south of Bayview Road) can be developed in numerous ways. A single entity could purchase the entire site and develop on both sides of Bayview Road. A single entity could purchase the north side of the site, and another purchase the south side, to create a business on either side of the road. Two or more users could purchase lands on either side of Bayview and have separate driveways serving each user (see Figures 8 and 9). Additionally, different scenarios that include running an access road into each side of Bayview road, forming a business park setting could also be proposed (see Figures 10 and 11).

The original DGEIS illustrated several potential development alternatives and this supplemental included several others. The following potential environmental impacts would be affected by these different development scenarios:

1. Depending on the magnitude and layout of development, the federal wetlands on the site could be impacted in varying degrees. Almost all scenarios include not impacting the larger wetland area along the railroad tracks. In all development scenarios, if wetlands are impacted, proper permitting will be necessary.
2. Storm water could be handled on an individual project basis, or if developed as a business park, in shared systems. In all cases, the systems will be required to be designed to Town and State standards.
3. In all of the development scenarios, there will be potential impacts from noise, and to Terrestrial, Air and Community resources. These impacts are being controlled through

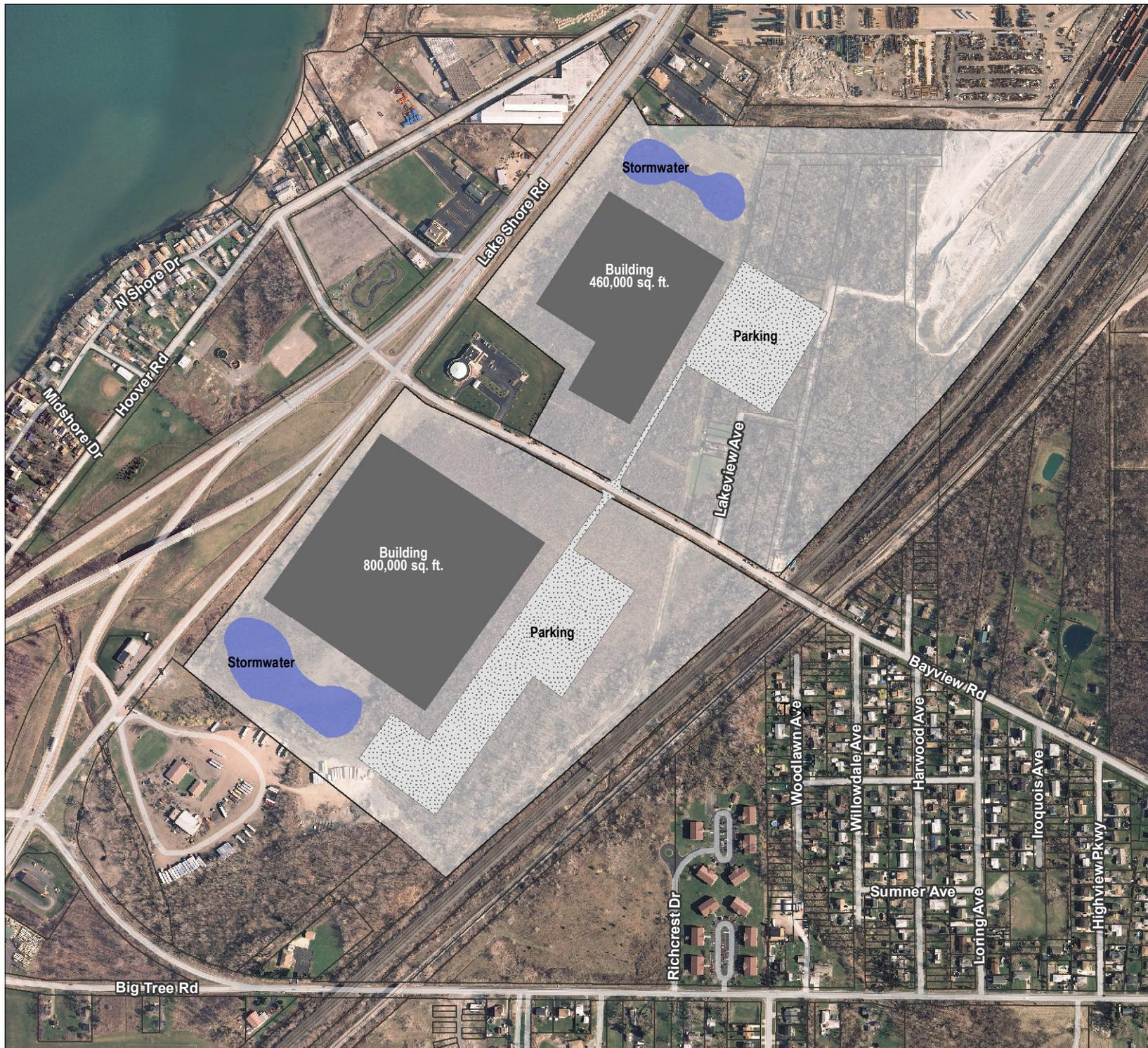
Figure 8

Lake Erie Commerce Center SGEIS Site Plan Issues

Site Layout: Two Users



1 inch = 600 feet
0 100 200 400
Feet

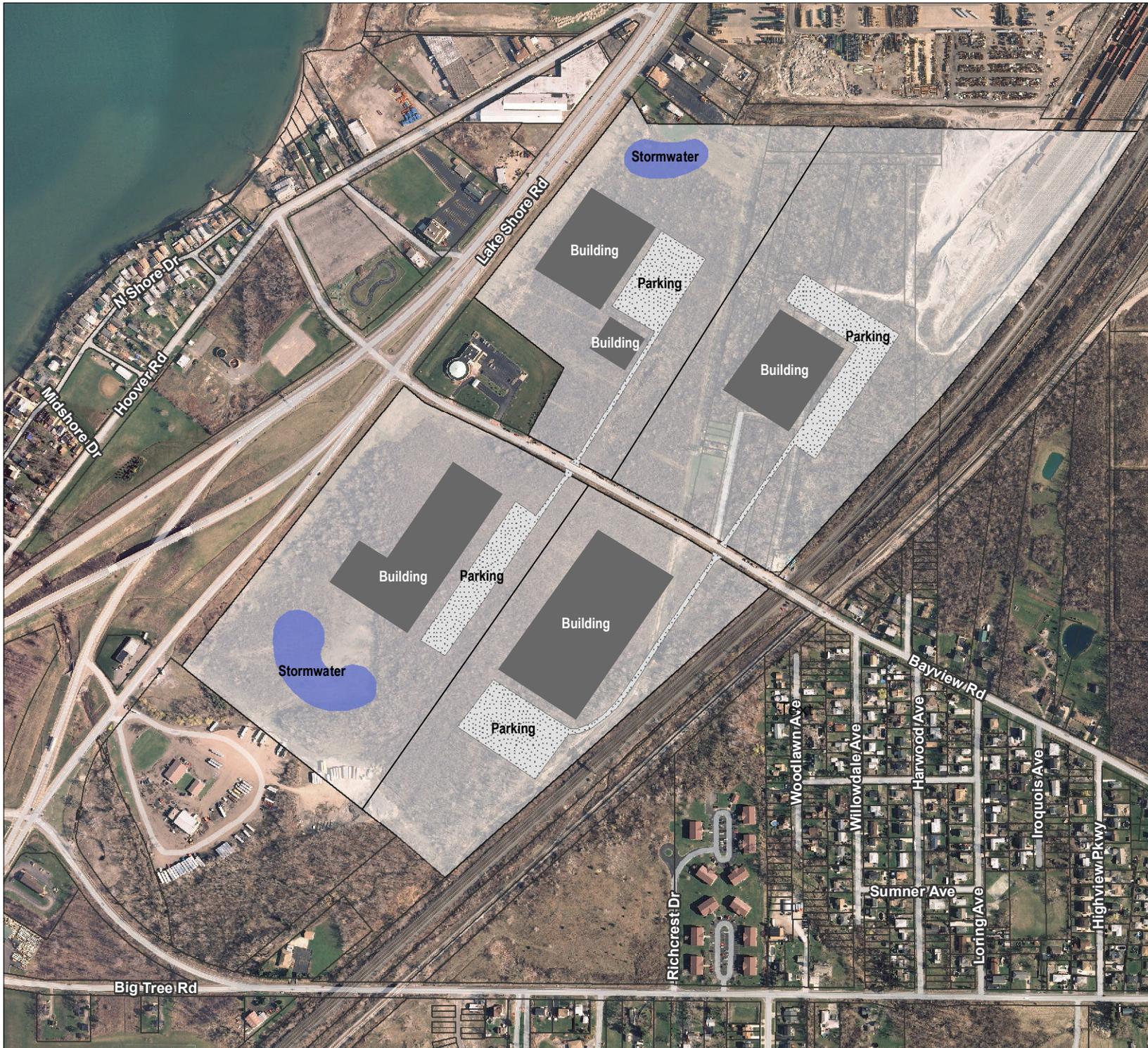
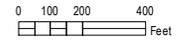


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Figure 9

Lake Erie Commerce Center SGEIS Site Plan Issues

Site Layout:
Multiple Frontage Lots



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FIGURE 10

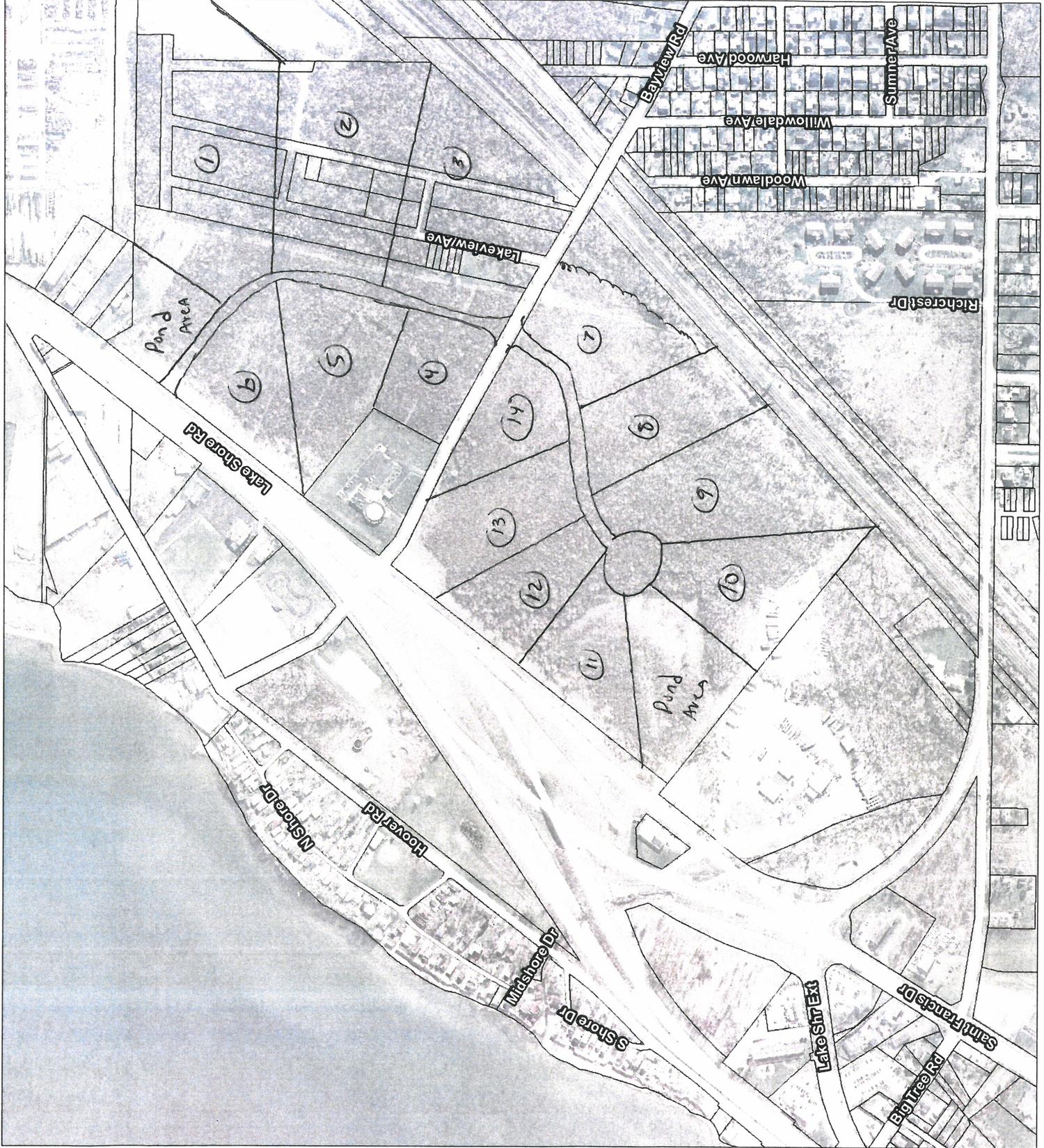
Lake Erie Commerce Center

SGEIS
Site Plan Issues



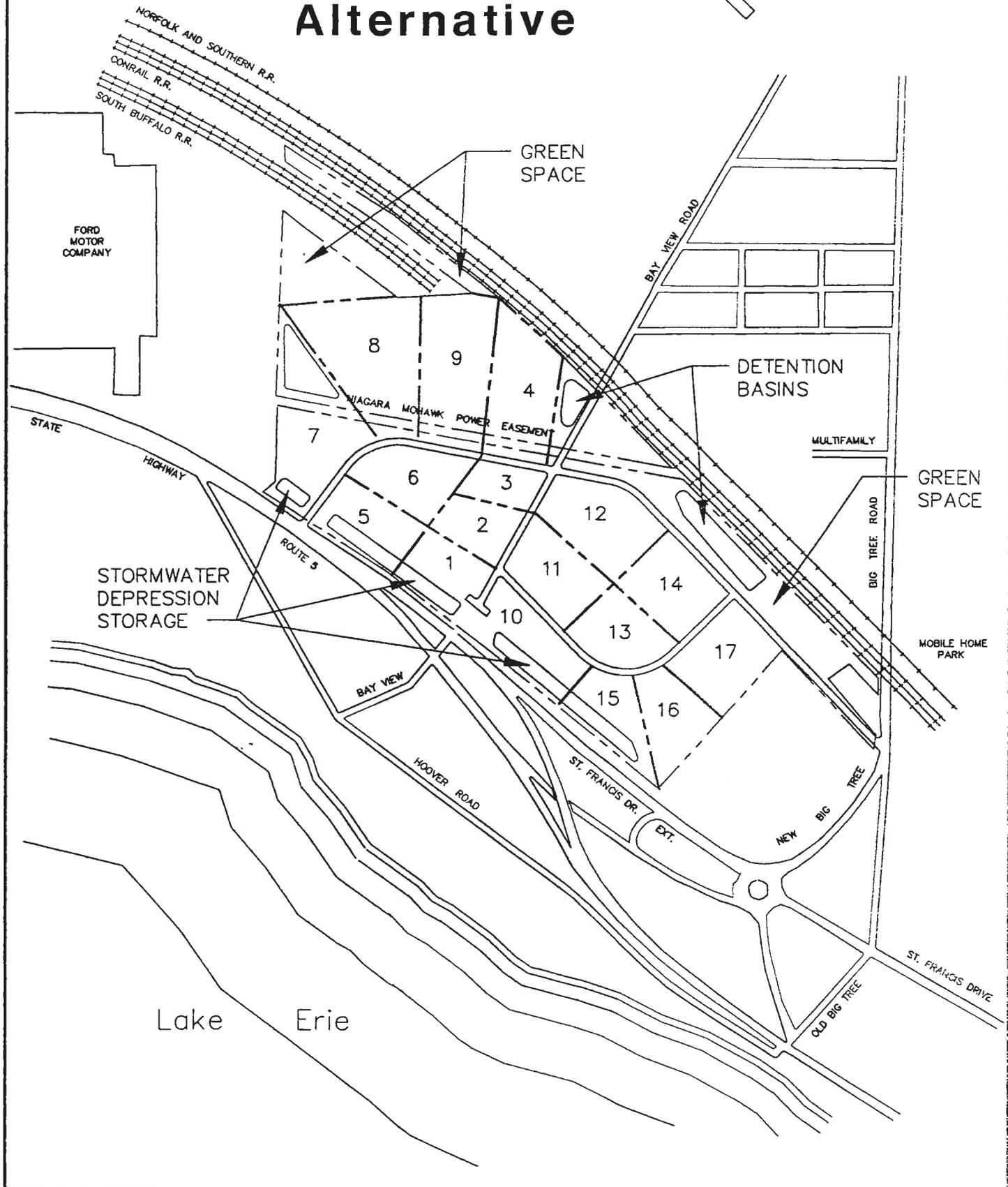
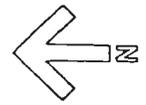
LEGEND

□ Parcel (2010)



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Restricted Land Use Alternative



nc **NUSSBAUMER & CLARKE, INC.**
 Consulting Engineers,
 Surveyors
 BUFFALO, NEW YORK OSWEGO, NEW YORK

Lake Erie Industrial Park
 Town of Hamburg, N.Y.

Site Plan

Exhibits

24B

FIGURE 11

03/18/94 WTW

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- thresholds and mitigations (mostly use related) placed on the site, and would apply to all development scenarios.
4. The Town and region would receive similar economic benefits from these alternative development patterns.
 5. The density of the development alternatives may have different impacts on the sewer and water systems in this area, but the systems have a great deal of capacity and will be evaluated more thoroughly at the time of proposal.
 6. Transportation impacts could represent the greatest difference in impacts for the different alternatives. Multiple driveways and large numbers of trips entering onto Bayview will potentially adversely impact Bayview road and its intersection with Route 5. This issue is addressed through the phasing of the project, the setting of thresholds and required mitigations (see figure with access issues).

6.4 Alternative 3 (Design Alternatives)

This alternative is based on the requirement of the Town's Pre-permitted site law, which requires the evaluation of site designs and the conditions that can be placed on the development of the site that address site plan issues. The following is a summary discussion of those design conditions and how they minimize potential impacts as discussed in Section 4.0).

1. *Soils and Topography*

Potential impacts to the soils on the site, due to soil characteristics (erosion, water table, bedrock), have not changed since the preparation of the original GEIS. Standard design requirements will help to mitigate, to the maximum extent practicable, the potential impacts that may result from future site development. Design requirements include foundation drains, as necessary, and Town and State required Erosion and Sediment control plans. The only potential impact, due to bedrock location, may be the need to perform blasting to install infrastructure. If blasting is necessary, it will be undertaken in accordance with all Town requirements.

2. *Water Resources*

Impacts to water resources will also not be significant as a result of the future development of this site (revisions to design layouts could minimally change any of these minor impacts). There are no protected streams on the site, and stormwater discharges will be collected and treated in accordance with Town and State requirements. Although not required, the use of Green Infrastructure Design will be encouraged as a means of managing stormwater runoff in a more sustainable manner.

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3. *Wetlands*

Small federally-designated wetland areas have been previously mapped on the site. Design layouts can avoid many of these areas (especially those located along the railroad line), but some layouts may involve some level of disturbance to certain of these areas. In those cases, delineation would need to be completed prior to site development, and proper permitting would be necessary from the U.S. Army Corps. of Engineers.

4. *Air Resources and Noise*

The potential for significant impacts to air quality and ambient noise levels will be greatly reduced by proposed limitations on future uses and the Town's M-3 Zoning requirements, which restricts the "dissemination of atmosphere pollutant, noise or odor into any R, L, M-1 or M-2 Districts". Design of any projects within the site will also have to meet air quality /air permitting requirements and the Town of Hamburg Noise Ordinance.

5. *Visual Resources*

Since the original GEIS, the Town has established a NYS Route 5 Overlay and has clearly articulated the importance of this area as a Gateway into the Town. Potential visual resource impacts from the future development of this site could be reduced by design requirements imposed on this development in accordance with the Route 5 zoning overlay.

In almost all potential layouts of the site, the development will be visible for Route 5 and the Lake Erie waterfront area. There are also some potential visual impacts to the residential neighborhoods situated east of the site. By utilizing the design requirements in the Route 5 Overlay District, the features of the site and other mitigations, potential visual impacts can be minimized. Mitigations / requirements discussed previously, which would limit the type of uses permitted on the site, will help to lessen visual impacts. This SDGEIS also identifies areas of the site that should be preserved as buffer areas (along Route 5 and in areas along the railroad tracks- see Figure 7 in Section 5). It is also recommended that for those buildings that are located with views to Route 5, architectural design requirements be implemented and accessory uses, such as loading docks and outdoor storage areas, be screened or restricted from facing Route 5. Other requirements of the Route 5 Overlay should also be imposed and, in some cases, strengthened. The only requirement of the overlay that makes little sense for this site (and was not intended for industrial zoning districts), is the requirement of a nautical design theme for the larger, industrial buildings. However, if a smaller commercial use is proposed along the frontage area of Route 5, the nautical theme requirement should be considered in its design. For other, more significant industrial users that are proposed on the site, the nautical theme would not appropriate. Although a nautical theme is not required, the application of other building design requirements will help to improve the visual character of this important gateway.

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6. *Transportation and Traffic*

The project site presently only has road/driveway access to Bayview Road. NYS Route 5 is a limited access highway; curb cuts are presently not permitted due to the speed and volume of vehicles that utilize this highway. Depending upon type of users proposed for the site, the long term design solution would be to get approval of a “break in access” agreement to locate a new curb cut onto Route 5 at the northeastern end of the site. The previous GEIS addressed these design alternatives very thoroughly.

Users that generate traffic below established thresholds could have a driveway onto Bayview Road. Design of these driveway locations should consider line of sight issues, separation distances from other driveways and the overall potential development pattern of the site. To this end, Figure 12 identifies potential driveway locations that would not help to alleviate significant impacts or the potential for traffic problems.

All projects will have the requirement of restricting trucks from driving east on Bayview Road, when exiting the site. Trucks coming to the site should also not be using Bayview Road to the east of the site. Allowable truck routes should be established for all proposed users.

6.5 Alternative Land Uses

This alternative was discussed in the original DGEIS. The question remains the same today; should there be any other alternative land uses for this site? The area has been designated for industrial use for over 30 years, and industrial use is what is identified in the Town’s Comprehensive Plan and LWRP, as well as the Erie County Framework for Regional Growth. Residential use is not suitable for the site. Commercial use would result in impacts similar to that of the industrial uses proposed for the site. Consistent with the recommendations of the Hamburg Comprehensive Plan, commercial uses are more suitable in other targeted locations in the Town.

Lake Erie Commerce Center SGEIS Site Plan Issues

Entrance Issues



LEGEND

-  Parcels (2010)
-  Major Entrance
-  Potential Small Generator Driveway

1 inch = 600 feet
 0 100 200 400
 Feet



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**SECTION 7.0
THRESHOLDS FOR FUTURE ENVIRONMENTAL REVIEW**

A generic environmental impact statement (GEIS) is prepared by a Lead Agency whenever there is a need to assess a wide variety of impacts at a conceptual level on a larger scale, rather than on a project-specific or site-specific environmental impact statement. By addressing potential cumulative impacts and adopting mitigation measures and thresholds for future development and actions upfront, the use of a GEIS can establish a framework by which potential significant adverse environmental impacts are addressed at the planning stage, thus reducing the SEQRA review requirements as new construction proceeds at later stages.

The project represents a conceptual development plan involving the zoning approval, construction, and operation of shovel ready site for high technology manufacturing and communications. The DGEIS has evaluated potential generic impacts associated with the well-defined elements of the Project, as well as the potential cumulative, longer-term impacts associated with the less-defined full build-out of the Project.

As the Project progresses, changes may occur as the conceptual plans are developed into final design proposals for the well-defined elements, but more likely, for the less-defined components. Such changes may specifically include proposed changes to the contemplated development plan including increases or decreases in total project square footages devoted to a specific use.

This section outlines the conditions or criteria and procedures to be followed in evaluating future Project uses pursuant to the requirements of SEQRA.

7.1 SEQRA Procedures / Compliance for Future Actions

Final designs, as well as any proposed changes to the conceptual design elements (hereinafter referred to as “Future Project Uses”) will require further evaluation pursuant to SEQRA.

Typically, the Town of Hamburg Planning Board, as the agency responsible for the approval of site plans, would be responsible for performing a SEQR environmental determination of future project uses, and would consider future project development proposals in relation to:

- The FGEIS that will be issued for the Project; and
- the final Statement of Findings that will be issued for the Project pursuant to SEQRA.

Because the action proposed (which resulted in this DSGEIS) is the issuance of a Pre-Permitted site designation, future projects would not need to be forwarded to the Town of Hamburg Planning Board for Site Plan Approval. If pre-permitted site designation is received, future development projects would be submitted to the Town’s Building Department. The Town

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Building, Engineering and Planning Departments would review the project for conformance to the SEQR documents and the pre-permitted site designation. If found to be in conformance with these documents, and the design meets other Town requirements, the Town would proceed with development permitting (documentation would be added to the file noting conformance to SEQR and pre-permitted site designation).

If the proposed project does not meet all of the SEQR or pre-permitted site designation requirements, the project would be sent to the Planning Board for site plan approval and a determination concerning SEQR. Such determination would need to be made prior to the approval of any plans. This determination would be one of the following.

1. The Future Project would be carried out in conformance with the conditions and thresholds set forth in the GEIS, then no further SEQRA compliance would be required.
2. The Future Project would be carried out in conformance with conditions and thresholds set forth in the GEIS, but that are not addressed, or are not adequately addressed, in the Findings Statement. Hence, an amended Statement of Findings would need to be prepared.
3. The Future Project is not addressed, or is not adequately addressed, in the FGEIS for the Project, but the proposal does not exceed any of the conditions or thresholds set forth in the GEIS. Or, the proposal does exceed a threshold set for in the GEIS, but would not result in any potential significant adverse environmental impacts. Hence, a Negative Declaration would need to be prepared pursuant to 6 N.Y.C.R.R. § 617.10(d)(3).
4. The Future Project is not addressed, or is not adequately addressed, in the FGEIS for the Project and/or the proposed use would exceed one or more of the conditions or thresholds set forth in the GEIS, and may have one or more potential significant adverse environmental impacts. Hence, a supplement to the FGEIS would need to be prepared.

It must be noted that all future projects, before proceeding to review development permits from the Town, must receive all required permits and approvals from other regulatory agencies. These agencies, in processing these applications, will need to complete environmental review in accordance with the SEQR requirements. These approvals would require an Involved Agency to issue their own SEQR Findings.

7.2 Thresholds for Development of Project Site

Future project uses that do not exceed or that conform to any of the following conditions or thresholds shall be considered to have been addressed in this DGEIS and would not require any further review pursuant to SEQRA.

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Pre-Permitted Site Requirements

In accordance with the Pre-Permitted Site Incentive Law, the DGEIS will evaluate site plan design issues, and set requirements/conditions/thresholds for future site development. It is the intent of the pre-permitted designation that if future uses are designed in accordance with these requirements/conditions/thresholds, they can proceed directly to getting site development and building permits.

To accomplish the requirements/conditions/thresholds established for site design, site plans will be evaluated against the following design criteria:

- Uses
- Setbacks
- Landscaping and Berms (Screening)
- Aesthetics of Structures
- Lighting
- Location of Access (Driveways)
- Greenspace/Buffer Areas
- Height of Structures
- Route 5 Overlay Requirements
- Location of Accessory Structures and Uses such as loading docks, dumpsters, etc.
- Signage

To allow for the evaluation of site plans, several different potential layouts for the development of the site have been considered: single users, a few users, and a business park layout on both sides of Bayview Road.

The following represents the evaluation of the site design criteria against the proposed site layouts, starting first with an evaluation of those issues that would likely be applicable to any type of layout.

7.2.1 Setbacks

- A. M-3 Zoning requirements are as follows:
 1. Front yard – 40 feet (50 feet for parking)
 2. Side yard – 10 feet (75 where abutting an R district boundary)
 3. Rear yard – 10 feet

- B. Route 5 Overlay requirements are as follows:
 1. 15-50 feet from any property line (structures & parking)

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C. Evaluation

1. Any building located along Route 5 should be setback a minimum of 50 feet from the Route 5 right-of-way. It appears that in most layouts, the buildings will front Bayview Road or an interior driveway or access road. They would not front Route 5 because they cannot have access to Route 5, however, they would be quite visible.
2. This 50-foot setback area along Route 5 will not be used for parking, and will have landscaping requirements (see later section).
3. Buildings fronting on Bayview should also have 50-foot setback requirements, but those fronting access roads/driveways will be setback 40 feet in accordance with the zoning.
4. Other side and rear setback requirements (not relating to Route 5 or Bayview Road) will be in accordance with the M-3 zoning requirements.

7.2.2 Landscaping and Berms

- A. In general, most of the 50-foot setback area required along Route 5 will be landscaped. Berming or additional screening in this area would only be required if loading docks, outdoor storage or other similar uses are oriented toward Route 5.
- B. The 50-foot setback area along Bayview Road should primarily include landscaping (trees should be the focus).
- C. Landscaping within a lot, and within parking areas, should be in accordance with the Route 5 overlay requirements.

7.2.3 Aesthetics of Structures

- A. Buildings located along Route 5 must be designed to the following standards:
 1. Windows shall cover a minimum of 35% of any façade facing Route 5.
 2. Rooftop mechanics shall be screened from the public view along Route 5.
 3. Architecture should be compatible with surrounding buildings.
 4. Any front façade of a building that can be seen from Route 5 or Bayview Road shall be constructed of brick, split block, stone or woodframe with cedar or lap siding or other materials acceptable to the Town.
 5. Other provisions of the Route 5 Overlay District (except nautical theme requirement) shall apply.

7.2.4 Lighting

Lighting shall be in accordance with the Route 5 overlay requirements:

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Lake Erie Commerce Center

- A. Lighting design shall not create a nuisance to adjacent residences.
- B. Pole-mounted lighting shall not exceed a total height of 15 feet from finished grade to the top of the fixture.
- C. Lighting illumination levels shall not exceed six lux/0.6 footcandles.
- D. All external lighting sources shall be designed and shielded to avoid hazardous interference and direct glare onto adjacent streets and properties.
- E. The lenses in pole and wall-mounted lighting shall be recessed to control the adverse impacts of lights spillout and glare.
- F. A mixture of lamp types on the same site shall be avoided.
- G. To provide optimum color rendition, lamps are preferred in the following order: high-pressure sodium, metal halide, low-pressure sodium.
- H. Parking area lighting fixtures shall not be illuminated after 11:00 PM, unless otherwise approved by the Planning Board, and shall be designed to illuminate the parking area only (lights along the exterior of the property should be shielded to preclude light spilling off of the site).
- I. Security lighting and other building lighting will be allowed to operate as long as it does not create a nuisance to adjacent residences.
- J. Shielding shall be used on lighting fixtures to reduce spill and glare.

7.2.5 Location of Access

- A. Driveway access to Route 5 will be difficult, if not impossible to attain. A single driveway or road entrance, as shown in the original DGEIS (Phase 3), to be located at the northern end of the site would be necessary for a larger user or group of users. This “break-in-access” would take time, and the Town, Hamburg New York Land Development Corporation and NYSDOT should begin to plan this access.
- B. Driveways onto Bayview Road should be located approximately 500-600 feet from the existing (eastern) Credit Union driveway. This would locate the driveway about half-way between the eastern and western boundaries of the property located on the north side of Bayview. It also affords the proper driveway spacing for a large peak trip generator.

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Any major driveway/access road onto the property on the south side of Bayview, should line up with the driveway/access road on the northern site.

- C. Smaller users (generating peak trips less than 100 per hour) could locate additional driveways on Bayview as long as they are separated from other driveways by 220 feet.

7.2.6 Height of Structures

The M-3 Zoning District in the Town of Hamburg has no maximum height requirements. At this time, it is not being recommended to change this requirement. For taller structures, berming and landscape treatments shall be utilized to reduce visual impacts.

7.2.7 Location of Accessory Structures and Uses

As discussed in previous Sections, no accessory structures or uses shall be located in the required setback areas. Accessory structures and uses such as loading docks, dumpsters and outdoor storage areas should not be located in clear view from NYS Route 5 or Bayview Road. If design and layout requires their location in areas that could be seen from Route 5 or Bayview Road, the design must include screening of these structures or uses.

7.2.8 Signage

Individual company signage cannot be located along Route 5 or Bayview Road. A single monument sign can be placed along Route 5 and Bayview Road that displays the name of businesses in the Lake Erie Commerce Center. Ground signs within the Center can be placed in accordance with Town Zoning Laws. Electronic signs are prohibited on the site.

7.2.9 Greenspace/Buffer Areas

The property located south of Bayview Road has an eastern boundary that runs along a railroad corridor that abuts a residential area. In the design of any site along this area, every effort should be taken to include and maintain a greenspace/buffer area along this railroad system to help with the buffering of the residential area and to the east.

7.2.10 Utilities

For each proposed project, the applicant will need to submit information concerning domestic water supply demands, sewage generation figures, stormwater calculations, electric power needs, and natural gas needs. The Town Engineer will coordinate this information with the appropriate utility company, and determine if any mitigation is necessary (see known capacities/ issues to begin this conversation).

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7.2.11 Proposed Uses

The current zoning of the property is M-3-general Industrial District. This is the highest Industrial zoning district in the Town and, therefore, allows not only the listed uses in the M-3 District, but all uses in the M-2 and M-1 Districts (without the requirement of being within a completely enclosed building). There are limitations on uses in the M-3 District; it cannot result in fire or explosive hazard beyond the boundaries of the district, dissemination of atmospheric pollutant, noise or odor into any R, C, M-1 or M-2 District, no vibration beyond the property line, and no unneutralized refuse material shall be discharged into sewers, streams or ditches.

Based on the zoning patterns of the area, the aesthetics of this waterfront area, other environmental factors, and the goals of the Town and Applicant; the following potential use limitations are also recommended (restricted uses from this site). All of the restricted uses listed are for primary uses of the property; accessory uses at a site could have uses similar to those listed below. For example a proposed allowed use could have an area that stores lumber, but it is not considered to be a lumberyard.

- Lumberyards and coal yards
- Concrete/Cement mixing plants
- Processing or treatment of bituminous products (asphalt plants)
- Primary use of the site for the storage of Propane or Petroleum products
- Metal Casting and foundries

7.3 Transportation Thresholds

Proposed Traffic counts for each proposed use will have to be supplied to the Town at time of application and analyzed against the following thresholds:

- A. Any use (first use proposed at the site) that generates over 100 trips in the AM or PM peak hour will require the mitigations outlined in the original GEIS, or the owner/applicant will need to work with the NYSDOT to formulate another mitigation or plan that is acceptable to the NYSDOT and the Town of Hamburg Traffic Safety Advisory Board.
- B. Any use proposed after a use has already been approved for the site, will need to add their peak hour trips to the peak hour trips of these previously approved projects. If the total cumulative trips (previously approved projects plus new project) at AM or PM peak hour exceed 100 trips, then the mitigation plan from the original GEIS will need to be implemented, or a new acceptable plan devised (as stated above).

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- C. If a new mitigation plan is devised prior to any approvals (and is acceptable to the NYSDOT and Town), this plan can be utilized in place of the original mitigation plan.

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SECTION 8.0
IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Although the future development of the Lake Erie Commerce Center site is expected to bring benefits to the Town of Hamburg and surrounding area, some non-renewable natural and man-made resources will be consumed or committed to other uses during the construction and lifetime of the project. These resources are considered to be irretrievably committed since their reuse for purposes other than the project is either impossible or highly impractical.

The development of vacant land would irretrievably commit this land to other uses. All materials and energy resources consumed in the anticipated construction of the proposed project are irreversible and irretrievable commitments. Energy and resources required to construct the proposed development encompasses the extraction of raw materials, manufacturing of equipment and materials, delivery, construction and installation. Materials included in this category are steel, aluminum, concrete, asphalt, brick, wood, glass and other construction materials that would be used in site development. The fossil fuels uses by construction equipment and operations and maintenance of the site will also be an irretrievable commitment of resources, as will fuels used for deliveries and automobile travel to and from the site.

The public utilities and services that will be furnished to the site are opportunity costs to the various agencies and governmental entities that provide these utilities and services. Their commitment of these utilities and services to the project site precludes their use for other programs or projects. Major uses of energy utilities for the proposed action include heating, ventilation and air conditioning. Commitments of a portion of the available capacity in the municipal water supply system, wastewater collection system and solid waste handling and disposal facilities will also result.

Much of the open land/ open space on the 134-acre site will be lost as a result of the proposed project. Although it is difficult to quantify the exact commitment of resources, once the project is developed, the visual character of the site will be changed and there will be an irreversible and irretrievable loss of farmland and wildlife habitat. The human effort involved in constructing and maintaining the proposed project, along with the capital expended, are also irreversible and irretrievable commitments of resources.

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SECTION 9.0

EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

Development of the Lake Erie Commerce Center property will result in a long-term increase in the use of energy resources, including electricity and natural gas. Buildings that would be constructed on the project site would utilize energy efficient systems and be constructed of energy efficient building materials, in accordance with the New York State Energy Code and Building Code. It is expected that future site developers will also work with NYSERDA to employ energy efficient practices and techniques in building design. The project is not expected to have a significant adverse impact on energy resources.

