

DRAFT ENVIRONMENTAL IMPACT STATEMENT

for

HAMBURG CROSSINGS

Property Located at 5220 Camp Road
Town of Hamburg, Erie County, New York

LEAD AGENCY:

Town of Hamburg Town Board
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Hamburg, New York 14075

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DATE OF ACCEPTANCE BY LEAD AGENCY:

DATE ALL COMMENTS DUE:

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Prepared For:

Benderson Development Co., LLC

Prepared By:

Greenman – Pedersen, Inc

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Section 1—Introduction

1.1 Project Location and Setting

The proposed Hamburg Crossings shopping plaza is located on a site that includes the former Days Inn, the current Fisher Bus Services, and undeveloped areas located at 5220 Camp Road (State Route 75) in the Town of Hamburg, New York. The proposed site plan (Figure 1-1) is provided on the following page. The plaza site is on the west side of Camp Road between State Route 20 (Southwestern Boulevard) to the north and Interstate 90 (I-90) to the south.

The plaza site is located adjacent to I-90 to the south and along Camp Road to the east. Camp Road is a significant regional commercial corridor consisting largely of retail and commercial uses including auto dealerships, hotels, and restaurants. North and east of the site along Camp Road are numerous automobile sales facilities. East of the site on the east side of Camp Road are a number of commercial facilities and a hotel (Tallyho-Tel). The east property line of the site borders the I-90 Exit 57 on-ramp and off-ramp for southbound Rt. 75 traffic; currently forested undeveloped land, and two commercial office buildings. Southeast of the site along Commerce Place are two existing hotels (Comfort Inn and Red Roof Inn), two office buildings, and a medical office building. North of the site on Southwestern Boulevard are: a golf course, commercial facilities, and park land that includes a cemetery. The western boundary of the site neighbors a residential development area where 17 acres of the project area serve as a buffer between adjacent housing development to the west and drainage areas to the southwest. South of the Thruway is a residential area (Holiday Lane and Brookwood Drive), a hotel (Holiday Inn), and a number of commercial facilities.

1.2 Project Description

The Hamburg Crossings plaza is a proposed mix of commercial/retail and restaurants uses, as well as a hotel. Large main tenants are expected to anchor the site in a row of buildings along the west edges of the site. A subdivided retail building is also proposed along the northern portion of the site. A hotel and a number of small retail out-parcels will be located along the east and southeast portions of the site adjacent to Camp Road, the I-90 and its Exit 57 ramps, and Commerce Place. The current bus operations will be relocated off site and its buildings demolished. The former Days Inn building was recently demolished under an emergency demolition after a fire destroyed the building.

The Hamburg Crossings plaza will be accessible from Camp Road near the southeast corner using the existing Commerce Place. An additional curb cut is available near the northeast corner in the vicinity of the present entrance to Days Inn and Fisher Bus Services. Service access to each of the main retail buildings will be on the western side.

1.3 Purpose and Objectives of the Proposed Project

The Project Sponsor's goals and objectives for this project include:

- Redevelopment of a blighted site into 652,813+/- square feet of high-quality retail, restaurant and hotel uses with associated parking, roadways, and utility infrastructure.

**FIGURE 1-1
SLIP SHEET**

- Satisfy demand for retail space from potential retailers and restaurants
- Creation of additional jobs in the Town of Hamburg
- Stimulation of the local economy as a result of millions of dollars of private investment and increased tax revenues for the Town, County, and school district.

1.4 Public Need and Benefit of the Proposed Project

The Project Sponsor has made a determination that there is a public need for additional retail/hotel/restaurant space along Camp Road and in surrounding areas. The project will have numerous public benefits, including significant tax revenues without a significant demand for public services; increased employment in the Town; and an increase in available goods and services.

1.5 SEQR Process and Chronology

New York's State Environmental Quality Review Act (SEQR) provides a process for the consideration of potential significant adverse environmental impacts in the early planning stages of the approval, funding, or permitting process for proposed actions. By incorporating a systematic interdisciplinary approach to environmental review, impacts can be identified and projects can be modified, as needed, to avoid or minimize potential adverse impacts to the environment to the maximum extent practicable. All discretionary decisions of a state, regional, or local agency to approve, fund, or directly undertake an action that may affect the environment are subject to review under the SEQR. It is the intent of the SEQR that protection and enhancement of the environment and community resources be balanced with social and economic factors in the decision-making process.

In accordance with 6 NYCRR Part 617, the Town of Hamburg Town Board classified this project as a Type 1 Action for the purposes of environmental review based on a determination that the proposed project would involve the physical alteration of over 10 acres of land, the proposed project involves the rezoning of approximately twenty 20 acres of land, and the proposed project, occurring in a municipality with a population under 150,000, involves a commercial building of more than 100,000 square feet of gross floor area. These thresholds for a Type 1 Action are set forth at 6 NYCRR Part 617.4(b). The SEQR regulations require the Lead Agency to conduct a Coordinated Environmental Review for all Type 1 Actions. Therefore, on June 11, 2007, the Town of Hamburg Town Board initiated a Coordinated Review of the proposed action to request Lead Agency designation and to solicit comments from all involved and interested agencies (see Appendix 4: Correspondence).

In accordance with 6NYCRR Part 617.7, upon receipt and review of all agency comments, the Environmental Assessment Form (EAF), and other application materials submitted by the project sponsor, the Town Board considered the potential environmental impacts of the proposed project and determined that this action may result in significant adverse environmental impacts and that a Draft Environmental Impact Statement (DEIS) must be prepared. The Town of Hamburg Town Board issued a Positive Declaration to this effect on July 16, 2007 (Appendix 2).

On July 25, 2007, the project sponsor submitted a draft Scoping Document to the Town of Hamburg. As part of the DEIS process, and in accordance with 6 NYCRR Part 617.8, the Town Board conducted a public scoping meeting on August 1, 2007 in the Hamburg Town Hall. This Final Scoping Document was accepted by the Town of Hamburg on September 10, 2007 (Appendix 3).

1.6 Aspects of Site Development

The site is proposed to be developed with 652,813+/- square feet of retail, restaurant and hotel uses on a site of approximately 80+/- acres, of which 17.4+/- acres will remain undeveloped as a conservation easement. The conservation easement will serve as a wooded buffer between the site and adjacent residential areas. The existing bus operations garage and former Days Inn buildings will be demolished.

The site is proposed to consist of three large anchor retail buildings of 132,840; 155,996; and 165,840 square feet. A 20,818 square foot building is proposed between two of the anchor buildings. Also included is a larger retail building of 86,245 square feet. There are 10 out parcels for retail and restaurant space measuring a total of 91,084 and one proposed hotel out parcel. Proposed operating hours are tentatively from 8 a.m. to 10 p.m., in addition to a 24-hour hotel.

Unique building massing, variations of architectural elements and height variations shall utilize decorative masonry, brick, stone, clapboard siding, etc. on building elevations including diversity of the architectural design on the rear elevation of the buildings. Decorative cornice and trim details will enhance the design of the architecture. Storefront windows shall occupy at least 40% of the elevations with entrances as focal points. Primary colors and earth tone colors will be extensively utilized in building materials, canopy awning details, façade lighting and “hardscape” treatment. The materials, colors, and vertical and horizontal elements will break up the scale of any proposed single tenant box. All building designs will conform to the Town of Hamburg Architectural Design Guidelines.

Figures 1-2 through 1-11 on the following pages show conceptual renderings of the buildings; perspectives from various locations around the site; and proposed site signage.

All building signs shall be tastefully designed and incorporated into the scheme of the architecture. Roof top mechanical and HVAC systems shall be screened with decorative parapet walls and perforated roof screening where visibility is an issue with adjacent property owners and public views.

Service areas, dumpster areas and utility appearances will be buffered and screened from public view with fencing and landscaping. Architecture for enclosures will match the building design.

Access to the site will be provided via two access points on Camp Road; one existing driveway to be widened located north of I-90 interchange (approximately 300 ft south of Dartmouth Street) and one existing public road located south of I-90 interchange via Commerce Place. The site includes approximately 3,100+/- on-site parking spaces.



Figure 1-2: Building Elevations



Figure 1-3: Building Elevations



Figure 1-4: Building Elevations and Signage



Figure 1-5: View from Camp Road Entry



Figure 1-6: View from Thruway Off Ramp



Figure 1-7: View from Neighbor's Yards Toward Rear of Buildings

**FIGURE 1-8
SLIP SHEET**

**FIGURE 1-9
SLIP SHEET**

**FIGURE 1-10
SLIP SHEET**

**FIGURE 1-11
SLIP SHEET**

Internal circulation and stacking is provided by an internal roadway system linking retail buildings and outparcels separately from parking areas. Loading areas for the four main retail buildings are provided through a service roadway in the rear of the buildings. Pedestrian access to the site will be possible using existing sidewalks along Camp Road connecting to the site.

The on-site storm water management system will consist of a series of catch basins, yard drains, area drains and manholes to collect the runoff generated from the parking lots, buildings and greenspace. A pipe network will connect the structures and convey water to detention basins and to a field of underground storage piping. The detention basins will not be surrounded by fencing. An outlet structure will control the flow rates into Berricks Creek. The storm water will flow through a water quality treatment system before outletting into the creek.

Water service to the site will be provided through a private 8" watermain. The private main will loop through the site and tap the Commerce Place and Camp Road mains. The Camp Road tap will reuse the existing 8" fire service tap. Two 8" RPZs and meters will be installed inside insulated enclosures onsite.

The proposed development will tie into the public sanitary sewer mains at the following locations:

- The retail buildings along the west will have a private 8" main which will pick up building laterals and tie them into the 30" RCP sewer.
- The buildings along the north and adjacent out parcels will reuse the existing 8" private sewer which ties into the 8" Camp Road main.
- The 155,996 sq. ft. building will have its lateral tied directly into the 30" RCP sewer.
- The proposed hotel and adjacent out parcels will have a private 8" main which will pick up the building laterals and tie them into the 8" main that extends from Commerce Place.
- The outparcels on the north side of Commerce Place will have a private 8" main which will pick up these buildings and tie them into the 8" main on Commerce Place.
- The 5,600 sq. ft. out parcel building will have its lateral tie into the 8" main which extends from Commerce Place.

Gas, electric, phone/data services will be provided by private utility companies.

1.7 Regulatory Compliance

The proposed Hamburg Crossings development will require various approvals from the Town of Hamburg, to be rendered by the Town Board, Planning Board, and, possibly, the Zoning Board of Appeals. In addition to the rezoning application filed by Benderson

Development Company, which triggered the subject environmental review process, the overall development of the site will include applications for the following: site plan review, special use permit, and, potentially, area variances.

Rezoning

A rezoning of certain portions of the overall 79.95+/- acres site is necessary to accommodate the Hamburg Crossings project. Specifically, the proposed development consists of the rezoning of 16.49 acres of land zoned Light Industrial District, M-2, to General Commercial District, C-2. Approximately 50.51 acres will remain as C-2 zoning and approximately 12.95 acres will remain zoned as Residential-Agricultural District, R-A. The C-2 zoning classification is desirable because it is intended to provide the Town of Hamburg with “larger scale (up to 100,000 square feet), regional-type commercial operations” which “typically have access to major roads and highways.”

An amendment to the Zoning Code and Map of the Town of Hamburg (rezoning) must be granted by the Town Board. The legal doctrine of legislative equivalency requires that the rezoning be accomplished in the same manner that the original zoning code and map were adopted; that is, by the adoption of a local law in accordance with New York State Municipal Home Rule Law.

On May 11, 2007 Benderson Development submitted an application to the Town, pursuant to § 280-340 of the Zoning Code, requesting the aforementioned rezoning. Accordingly, the Town of Hamburg Town Board instituted the subject state-mandated environmental review. A decision will not be reached in connection with the rezoning application until the Town has completed its review of the potential environmental impacts of the proposed project.

Site Plan

In the event that the Town Board approves the proposed zoning amendment, the applicant will be required to submit an application for site plan review to the Town of Hamburg Planning Board. Site plan review is required in the Town for any commercial use of property that requires a building permit or a certificate of occupancy. The Planning Board’s review of the applicant’s site plan must be completed prior to the issuance of the necessary building permits and certificates of occupancy.

Site plans are intended to depict the proposed or intended arrangement, layout, and design of a particular project. In reviewing an application for site plan approval, the Planning Board, pursuant to New York State Town Law 274-a, is permitted to consider elements relating to parking, means of access, screening, building signs, landscaping, architectural features, location and dimensions of building, adjacent land uses and physical features meant to protect adjacent land uses, as well as any additional elements specified by the zoning code of the Town of Hamburg.

§ 280-306 of the Hamburg Zoning Code sets forth the criteria for the Planning Board to consider when reviewing site plan applications. The Board is required to take into consideration whether a project (1) establishes a harmonious relationship between the proposed uses and existing adequate uses; (2) provides for maximum safety of vehicular

circulation between the site and street network; (3) provides adequate interior traffic circulation and parking and loading facilities, with particular attention to vehicular and pedestrian safety; and (4) provides for adequate landscaping and setbacks with regard to achieving maximum compatibility with, and protection of, adjacent property and land uses.

The current layout before the Town represents a conceptual vision of the Hamburg Crossings project. Upon the completion of the environmental review and zoning amendment process, Benderson Development will be required to present to the Town a detailed package of materials, as required by § 280-305 of the Zoning Code, including the following: topographical survey of the property, layout of all buildings and parking areas, traffic circulation patterns, landscaping plans, drainage plans, greenspace areas, and preliminary architectural drawings of the buildings.

From a procedural standpoint, the Planning Board has the authority to grant site plan approval in the Town of Hamburg. Prior to a decision, the Board will conduct a public hearing, which will be advertised in a newspaper of general circulation. Concurrent with its site plan review, the Planning Board will also consider Benderson's request for one, or more, special use permits.

Special Use Permit

The Hamburg Crossings project is being proposed with three buildings in excess of 100,000 square feet. However, the C-2 zoning district only classifies buildings of 100,000 square feet, or less, as expressly permitted uses. Therefore, buildings in excess of 100,000 square feet are only permitted upon the issuance of a special use permit.

§ 274-b of New York State Town Law authorizes towns to identify certain uses of property as generally being consistent with the underlying zoning district but, in an effort to ensure neighborhood compatibility, are subject to an additional layer of scrutiny. The additional layer of scrutiny is set forth in § 280-312 of the Zoning Code, which charges the Planning Board with the duty of issuing special use permits upon a finding that the proposed use: (1) will be in harmony with the general purposes and intent of the special use permit chapter of the Code; (2) will not create a hazard to health, safety or the general welfare; (3) will not alter the essential character of the neighborhood nor be detrimental to the residents thereof; or (4) will not otherwise be detrimental to the public convenience and welfare.

The application for a special use permit, or permits, would be made after the conclusion of the rezoning and environmental review period. Upon receipt of the application, the Planning Board will be required to conduct a public hearing. Once action is taken on the special use permit application, the Planning Board would then be permitted to take action on the site plan application as well. It is likely that the Planning Board will consider the special use permit and site plan requests at the same meeting, or meetings.

Area Variances

As with any project of this size, the potential exists that there may be the need for Benderson Development to apply for area variances once review of the project's site plan is initiated.

The most common area variance requests include: (1) number of off-street parking spaces; (2) building height; (3) signage, and; (4) building and parking setbacks.

Currently, Benderson Development anticipates the need for area variances for each of the three pole signs that will be proposed for the development, as shown in conceptual pole sign depictions. However, the exact variance requests will not be determined until the signage requirements of prospective tenants are known.

Prior Rezoning:

On February 23, 1998, the Town of Hamburg Town Board approved a request for a zoning map amendment by M.J. Peterson, which pertained to a portion of the Hamburg Crossings site. Specifically, 45.88 +/- acres of land were rezoned from R-A (Residential Agricultural District) and C-1 (Local Retail Business District) to C-2 (General Commercial District). The land included in the 1998 rezoning is not part of Benderson Development's current rezoning request, but is, however, part of the overall Hamburg Crossings site.

In connection with the 1998 rezoning, the Town Board attached various conditions on the ultimate development of M.J. Peterson's 45.88 +/- acres of land. Therefore, in an effort to preserve the validity of the 1998 rezoning, Benderson Development will comply with the following conditions:

1. A contract regarding traffic issues/improvements be entered into between the Town and the applicant (binding on all future property owners).
 - a. Updated traffic information to be provided for each site development application.

Response: Benderson Development has submitted a complete traffic impact study as part of the Draft Environmental Impact Statement that was prepared with regard to the subject rezoning request. The traffic study provides updated information with regard to the current traffic conditions in the area, as well as the associated impacts to be expected from the Hamburg Crossings project itself.

- b. When thresholds/warrants determined by the Town and agreed to by the NYSDOT are met, the applicant agrees to pay for any necessary improvements.

Response: The Traffic Impact Study completed by SRF Associates, which is attached hereto, establishes various thresholds/warrants and identifies areas for mitigation and improvements. Benderson Development agrees to undertake the costs associated with the conclusions and recommendations set forth on page 18 of the Traffic Impact Study, which include the following:

1. Signal timing adjustments are recommended at the Route 20 / Legion Drive and Route 20 . Route 75 intersections as a result of the proposed development.

2. Construct both site driveways (proposed new site driveway and Commerce Place) on Route 75 with two exiting lanes (one right-turn lane and one left-turn lane) and one entering lane.
 3. Install new three-color, multi-phase traffic signals at the proposed new site driveway and Commerce Place on Route 75. The signals should accommodate a permitted/protected northbound left turn phase and a westbound right turn overlap phase.
 4. “No turn on red” signage is recommended on the east bound approach at proposed new site driveway/Route 75 due to the close proximity to the thruway ramp.
 5. Re-stripe the existing two-way left turn lane to provide a 425’ (350’ storage and 75’ taper) northbound left turn lane on Route 75 at proposed new site driveway.
 6. Extend the southbound right turn lane at Route 75/new site driveway to provide 425’ storage (350’ deceleration/storage plus 75’ taper) contingent upon available right of way.
 7. Appropriate pedestrian amenities shall be installed as required by NYSDOT.
 8. All recommended roadway and intersection improvements on Route 75 are subject to review and approval by NYSDOT.
- c. The applicant shall meet all the requirements of the NYSDOT and site plans shall include the improvements necessary at Camp, including signage.

Response: At the site plan phase of the project, Benderson Development will submit a site plan evidencing that the project meets all the requirements of the NYSDOT. The site plan will also depict the necessary improvements and signage on Camp Road.

2. A contract or agreement acceptable to the Town from the applicant for maintenance of the emergency means of egress must be provided. The agreement must include provisions for maintaining the entrance/exit accessible to emergency vehicles, and maintaining of a barrier/gate to restrict regular (non-emergency vehicle) access. The agreement shall also include a provision that binds current and future land owners to allow access across this property, once a road is constructed that connects the stub road in Commerce Park to Camp Road to the west of the Thruway.

Response: In 1998, the M.J. Peterson proposal consisted on only one access driveway to Camp Road. As a result, an emergency access driveway was desired. Benderson Development’s current proposal, however, essentially merges the former M.J. Peterson property with that of the Fisher Bus garage and former Leisureland

site. As a result, two access driveway will be incorporated into the Hamburg Crossings project. The current proposal is fully accessible to emergency access vehicles.

3. Amend the drawing to show 150' buffering to the easterly adjacent lots (74-78) in the Country Woods Subdivision. Amend the description of the rezoned lands so as they do not include the Conservation lands and the buffers along the westerly property lines. The applicant will receive credit of these donated lands to any lot coverage requirements.

Response: The Hamburg Crossings development offers significant buffering to the Country Woods Subdivision. The rear of the proposed project site, which is located to the east of the existing Country Woods Subdivision, is separated by a buffer zone that measures 150' in depth. Moreover, the southwest corner of the site includes an additional buffer zone, which measures 100' in depth.

12.95 acres of the proposed project site will remain as RA (Rural Agricultural) zoned land and, therefore, is not included in the subject rezoning request. This land will be preserved as open greenspace via the granting of a conservation easement by Benderson Development. Said easement will be recorded in the Erie County Clerk's Office.

The conservation easement area will also include the 150' and 100' buffer zones that are identified on the proposed site plan.

4. Provide language (permanent conservation easement) or action item (Dedication to the Town), regarding the preservation of the sixteen (16 + or -) acres of land and the buffer areas identified on the plan. For any dedication, an easement from the lots or Commerce place must be given to the Town for access to the lands being dedicated.

Response: The proposed Hamburg Crossings project will reserve 12.95 of the overall project site as RA (Residential Agricultural) zoned land. This portion of the project will be preserved via the granting of a conservation easement, which will be recorded in the Erie County Clerk's Office.

The conservation easement area will also include the 150' and 100' buffer areas depicted on the proposed site plan. These buffer areas and the preservation of 12.95 acres of RA zoning will result in a conservation easement area very similar in size to that envisioned by the 1998 restrictions.

5. Development of the site will be approved in phases as sales demand. It is the intent of this phasing to minimize the disturbance of the site until warranted by construction. No permits for clearing this site will be issued prior to site plan approval.

Response: Benderson Development is proposing to construct the site's infrastructure upon site plan approval. The build-out of the development will occur as tenant lease agreements come to fruition.

6. Development of the commercial lots abutting the Country Woods residential lots will maximize the protection of trees near the mandatory buffers (i.e. maximize development towards Commerce Place road). If the development/disturbance must approach the buffer along the Country Woods side, then the developer of the park must install a line of evergreen trees along the County sewer easement as directed by the Planning Board during site plan approval.

Response: The proposed Hamburg Crossings project will preserve and protect the trees located in the conservation easement area, which includes the RA-zoned property as well as the 150' and 100' buffer areas. Notwithstanding the fact that the present condition was placed upon a project that was far different than the instant proposal, Benderson Development has designed a layout that focuses on tree preservation and buffering in the areas adjacent to the Country Woods subdivision.

7. The applicant will provide a deed with the following deed restrictions:
 - Commercial outdoor uses are prohibited (i.e. no outdoor retail sales, drive-in movie theaters, outdoor restaurant facilities, etc.)
 - No structures over 35 feet in height along the adjacent lots to the Country Woods Subdivision.
 - No automotive uses (sales or services)

Response: The proposed Hamburg Crossings project does not include any outdoor retail sales operations, drive-in movie theaters, or outdoor restaurants. Future tenants may engage in the outdoor displaying of merchandise, but outdoor sales will not occur. In addition, the restaurants that are proposed for the site will not include the type of operation involving the outdoor preparation of food, or outdoor sale of food. The potential exists, however, that potential restaurant tenants will require outdoor seating areas.

The maximum building height, except for the proposed hotel, will not exceed 35'. The proposed hotel is not located adjacent to the Country Woods Subdivision.

No automotive uses are proposed.

Summary

The above-referenced conditions were placed upon a project that was proposed in 1998 by M.J. Peterson. The 1998 proposal was quite different than the instant Hamburg Crossings proposal. The 1998 conditions were project specific; that is, specifically

designed for the M.J. Peterson development. Therefore, there are practical difficulties that may arise in the application of the former conditions.

Notwithstanding the foregoing, Benderson Development has designed a project in a manner that complies, either literally or essentially, with the 1998 rezoning conditions. Such substantial compliance preserves the spirit and intent associated with the previous conditions.

Section 2—Existing Conditions of Project Site

2.1 Topography, Geology and Soils

2.1.1 Topography

The project site and surrounding area topography is gently sloping. Elevations within the project area vary approximately 15 feet. Berrick’s Creek is a small stream located in the southwest portion of the site that flows off site north-westerly, eventually draining into Lake Erie. Surface and groundwater flow in the area is anticipated to flow northwest to Lake Erie, which is approximately two miles from the site.

2.1.2 Geology

Bedrock underlying the project area is an extensive band of sandstone and shale characteristic of the West Falls Group formed during the Devonian period, one of the younger periods of bedrock formation in the Erie County. Bedrock is generally located between 10 and 14 feet below the surface (see Geotechnical Report in Appendix 1). Relatively flat, the bedrock tilts to the southwest at “approximately 50 feet a mile,” according to the *Soil Survey of Erie County*. Depth to bedrock is generally 20” or more.

2.1.3 Soils

Soils within the project area belong to the Darien-Remson-Angola association. Located on uplands underlain by alkaline shale bedrock, soils of this association were formed in glacial till at the northernmost fringe of the upland plateau and consist of moderately deep and deep, medium textured and moderately fine textured, dominantly nearly level and gently sloping, somewhat poorly drained soils.

According to the *Soil Survey of Erie County* (Sheet Number 66), the site has the following soil types:

Angola (AoA and AoB) — Somewhat poorly drained, deep, nearly level to gently sloping soil; formed in glacial till deposits; map indicates Angola soil in the northeastern and eastern portion of the project site.

Fluvaquents/Udifluvents (Fu) — Well drained to somewhat poorly drained, deep, nearly level to gently sloping soil; formed in recent alluvial deposits; map indicates Fluvaquents in the along a small tributary in the southwestern portion of the project site.

Orpark (OrA) — Somewhat poorly drained, moderately deep, nearly level to sloping soil; formed in a thin mantle of glacial till underlain by weathered soft shale bedrock; map indicates Orpark soil in the throughout the majority of the project site.

Patchin (Pc) — Poorly and very poorly drained, deep, nearly level (hydric soil); formed in glacial till deposits underlain with shale bedrock; map indicates Patchin soil in the central to western portion of the project site.

The U.S. Department of Agriculture's National Technical Committee for Hydric Soils Criteria has developed a list of soils that often display hydric soil characteristics. Areas mapped as hydric soil have a high probability of being jurisdictional wetland. Patchin silt loam and Fluvaquents are on the hydric soils list. Although Angola and Orpark soils are not on the USDA hydric soil list, they have the potential to contain hydric soil inclusions.

2.1.4 Wetlands

Benderson Development Company retained Earth Dimensions, Inc. (EDI) to complete a wetland delineation investigation at the site (see Appendix 9). A preliminary review of available information pertaining to vegetation, soils, and hydrology in the project area was implemented prior to conducting a field investigation at the site. Sources of information included the United States Geological Survey (USGS), Soil Conservation Service (SCS), National Wetland Inventory (NWI), and NYSDEC Freshwater Wetland maps. The site does not lie within a wetland under New York State jurisdiction.

The investigation was designed to facilitate a determination of the extent of U.S. Army Corps of Engineers (USACE) and New York State Department of Environmental Conservation (NYSDEC) jurisdiction over the project area pursuant to Section 404 of the Clean Water Act and Article 24 (Freshwater Wetlands) of the New York State Environmental Conservation Law.

EDI identified five (5) wetland areas totaling 7.22± acres on the project site. EDI's wetland delineation report was reviewed by USACE, which determined in a letter dated November 28, 2007 (see Appendix 4: Correspondence) that a 2.14± acre and a 1.58± acre wetland located in the southern portion of the site were jurisdictional and subject to USACE regulation and permitting. Three other wetlands, totaling 3.5 acres were deemed to be isolated non-jurisdictional wetlands.

2.2 Existing Environmental Conditions

2.2.1 Review of Historical Uses

The site was used for agricultural uses until the late 1950s and in 1958 the site began to experience commercial development along its eastern boundary. This development began with the creation of the Airways Leisure Land which consisted of an inn, coffee shop, bowling center and recreation center, followed by the addition of a Cinema with two theaters as well as a Day Care. Between the late 70s and late 80s the site added trucking facilities; Truck World, Truck Metro and Seaton Carriers. In 1990-1991 Days Inn took over the hotel facilities, Fisher North America came to the site to run its busing operations, and the Exit 57 Motel and Truck Plaza opened onsite. The only functioning business on the site today is Fisher North America, owner of the Fisher Group Bus Lines garage.

2.2.2 Environmental Review

Phase I Environmental Site Assessments (ESA's) were performed separately for the Days Inn/Exit 57 Truck Stop site and the Fisher Bus Garage site. At the time, each site

was under separate ownership, and the Assessments were performed by different companies.

The Days Inn/Exit 57 Truck Stop site had been a truck fuel service and maintenance garage since 1987. As of the date of this assessment (1990), there are four operational and three closed in place registered underground storage tanks located at the site. The operational tanks are two 10,000 gallon diesel and two 8,000 gallon unleaded gasoline underground storage tanks. In addition, there are two 10,000 gallon former diesel and one 8,000 gallon former unleaded gasoline storage tanks that are closed in place at the site. The tanks are located in an area along the eastern side of the property near the Thruway entrance ramp and service the canopy covered fuel pump islands nearby.

There have been numerous spill and leaking underground storage tank incidents at the site since 1988. One spill in 1994 involved the spilling of 7,500 gallons of gasoline at the site. The spill has been given an “inactive status” meaning that the New York State Department of Environmental Conservation (NYSDEC) considers that there is some residual contamination remaining at the site. A contaminated water collection/recovery, pumping and filtration system had been set up at the site for the spill. In 1990 the NYSDEC gave the go ahead to discontinue the collection/recovery, pumping and filtration system.

Due to the age of the existing building (circa early 1960's) the roofing materials, floor tiles and some ceiling tiles may contain asbestos.

The Phase I Environmental Site Assessment that was performed for the Fisher Bus Garage and Specialized Services Truck Wash demonstrated that there were no indications of underground storage tanks on this section of the project site. However, at the time of the inspection, there were several small petroleum bulk storage tanks located within the building. In addition, there was a 10,000 gallon aboveground diesel storage tank located outside the southeast corner of the building. There was no asbestos containing materials observed on or within the property. Based on the age of the facility (constructed in 1990), asbestos containing materials should not be an issue.

Phase II Environmental Site Assessments (ESAs) were conducted for the above sites, due to the presence of a motor vehicle service area, fueling area and bus garage. Both of the Phase II ESAs were done by the same firm and showed the same results, as summarized below.

The purpose of the ESAs was to:

- Determine the presence and extent of contaminants in the ground water and/or soil
- Identify potential contamination source areas and migration pathways
- Develop and evaluate potential remedial measures

Groundwater samples were not taken as due to the nature of the soils. Subsurface soil samples were collected and visually inspected for the presence of volatile organic chemicals as well as screened using a MultiRae Plus PID. No visual evidence of contamination was identified in any of the borings nor were elevated levels of VOCs observed as part of the screening. As such soil samples were not submitted for laboratory analysis.

Findings of the ESA include:

Groundwater/Surface Water

- Due to the nature of the soil at the site, as well as groundwater not being present within any of the soil boring location, groundwater contamination at the site does not appear to be a concern.
- At the time of the SI, surface water present in the swale/ditch presented no indication of contamination (i.e., odors or sheen)

Subsurface Soils

- Subsurface soil samples were collected during the drilling program and visually inspected for the presence of VOCs as well as screened using a MiltiRae Plus PID. No visual evidence of contamination was identified in any of the borings nor were elevated levels of VOCs observed as part of the screening. As such, soil samples were not submitted for laboratory analysis.

Based on the information collected during the ESAs, no further subsurface investigations or remedial activities are necessary.

On February 8, 2008, Great Lakes Environmental & Safety Consultants, Inc. forwarded a letter to Benderson Development setting forth the status of the gas well (see Appendix 4). The environmental consultant stated that "based on our review of available records, the natural gas well #31029036240000 located at 5220 Camp Road, Hamburg, New York, is no longer present. . . Also, contact made with the NYS DEC Oil and Gas Division revealed NYS DEC records for the well show it as inactive status as of the year 2000. A visual inspection of the site does not reveal the presence of a well."

A gas well located on the site was identified using NYSDEC's website. The well, #31029036240000, has not produced any natural gas in the past seven years, dating back to the year 2000, according to online information.

2.3 Biological Resources

2.3.1 Vegetation

The project site consists of numerous distinct vegetative communities:

Successional Northern Hardwood — dominated by red maple, sugar maple, agrimony, shagbark hickory, spotted knapweed, enchanter's nightshade, gray-stem dogwood,

hawthorn, American beech, Virginia strawberry, white ash, green ash, avens, Tartarian honeysuckle, common apple, white spruce, red spruce, scots pine, eastern cottonwood, dwarf cinquefoil, black cherry, bur oak, European buckthorn, multiflora rose, common red raspberry, weeping willow, black willow, rough stem goldenrod, showy goldenrod, American basswood, Virginia knotweed, poison ivy, eastern hemlock, American elm and summer grape.

Hemlock Northern Hardwood Forest — dominated by red maple, sugar maple, yellow birch, ironwood, shagbark hickory, gray-stem dogwood, toothed wood fern, American beech, northern spicebush, Canada mayflower, pinesap, American hop-hornbeam, woodsorrel, Virginia creeper, red oak, European buckthorn, American basswood and eastern hemlock.

Beech-Maple Mesic Forest — dominated by the following species: red maple, sugar maple, Jack-in-the-pulpit, common barberry, yellow birch, sedge, ironwood, bitternut hickory, shagbark hickory, enchanter's nightshade, beech drop, American beech, white ash, green ash, witchhazel, northern spicebush, Canada mayflower, Indian pipe, American hop-hornbeam, Virginia creeper, mayapple, black cherry, red oak, European buckthorn, false Solomon's seal, American basswood, eastern hemlock and summer grape.

Rich Mesophytic Forest — dominated by red maple, sugar maple, hog peanut, sedge, shagbark hickory, lateflowering thoroughwort, white ash, green ash, spotted touch-me-not, northern spicebush, Tartarian honeysuckle, American hop-hornbeam, black cherry, showy goldenrod, tall meadowrue, American basswood (and poison ivy).

Maple-Basswood Rich Mesic Forest — dominated by the following species: red maple, sugar maple, white baneberry, roundleaf serviceberry, plantainleaf sedge, bitternut hickory, shagbark hickory, toothed wood fern, intermediate woodfern, American beech, white ash, wild geranium, northern spicebush, American hop-hornbeam, mayapple, black cherry, red oak, early meadowrue, American basswood, poison ivy and eastern hemlock.

Successional Shrubland — dominated by gray-stem dogwood, European buckthorn, poison ivy, and northern arrowwood.

Hemlock Hardwood Swamp — dominated by the following species: spinulose woodfern, American beech, northern spicebush, and eastern hemlock.

Floodplain Forest — dominated by red maple, aster, green ash, spotted touch-me-not, northern spicebush, false nettle, American basswood, poison ivy, American, northern arrowwood.

Hardwood Swamp — dominated by the following species: red maple, hyssop, green ash, large leaf avens, fowl manna grass, European buckthorn and American elm.

Maple Hardwood Swamp — dominated by red maple, silver maple, sedge, ironwood, green ash, spotted touch-me-not, northern spicebush, poison ivy and American elm.

Shrub Swamp — dominated by the following species: silky dogwood, gray-stem dogwood, common boneset, white ash, spotted touch-me-not, purple loosestrife, sensitive fern, eastern cottonwood, European buckthorn, American elm and blue vervain.

2.3.2 Wildlife

Earth Dimension, Inc. (EDI) identified ten (10) ecological communities on the project site, each with characteristic species of wildlife:

Beech-Maple Mesic Forest — Wildlife or evidence of wildlife encountered in this community include cicadas (order Hemiptera), gray squirrels (*Sciurus carolinensis*), wild turkeys (*Meleagris gallopavo*), eastern chipmunks (*Tamias striatus*), star-nosed moles (*Condylura cristata*), and Virginia opossums (*Didelphis virginiana*). Characteristic amphibian species of this community include eastern American toads (*Bufo americanus*) and northern redback salamanders (*Plethodon cinereus*).

Floodplain Forest — Characteristic birds include the tufted titmouse (*Parus bicolor*), the redbellied woodpecker (*Melanerpes carolinus*), and the pileated woodpecker (*Dryocopus pileatus*). In areas of standing water, water striders (family Gerridae) are abundant.

Hemlock-hardwood swamp — Characteristic birds include black-capped chickadees (*Poecile atricapilla*), American robins (*Turdus migratorius*), gray catbirds (*Dumetella carolinensis*), downy woodpeckers (*Picoides pubescens*), and nuthatches (*Sitta canadensis*, *S. carolinensis*).

Hemlock-northern hardwood forest — Wildlife characteristic of this community include gray squirrels (*Sciurus carolinensis*), wild turkeys (*Meleagris gallopavo*), and pileated woodpeckers (*Dryocopus pileatus*).

Maple-basswood rich mesic forest — Wildlife characteristic of this community include black-capped chickadees (*Poecile atricapilla*), raccoons (*Procyon lotor*), crab-spiders (Thomisidae), and the great gray slug (*Limax maximus*).

Red maple-hardwood swamp — White-tailed deer (*Odocoileus virginianus*), wild turkey (*Meleagris gallopavo*), raccoons (*Procyon lotor*), Virginia opossums (*Didelphis virginiana*), hairy woodpeckers (*Picoides villosus*), gray squirrels (*Sciurus carolinensis*), American toads (*Bufo americanus*), spring peepers (*Pseudacris crucifer*), northern redback salamanders (*Plethodon cinereus*), and eastern newts (*Notophthalmus viridescens*) are wildlife characteristic of this community.

Rich Mesophytic forest — The tracks of raccoons (*Procyon lotor*), a characteristic mammal of rich mesophytic forests, were noted in this community.

Shrub swamp — Birds characteristic of this community include black-capped chickadees (*Poecile atricapilla*), American robins (*Turdus migratorius*), gray catbirds (*Dumetella carolinensis*), chipping sparrows (*Spizella passerine*), and tufted titmice (*Parus bicolor*). This community offers suitable habitat for American toads (*Bufo americanus*), Leopard frogs (*Rana pipiens*), and spring peepers (*Pseudacris crucifer*).

Successional northern hardwoods — White-tailed deer (*Odocoileus virginianus*), wild turkeys (*Meleagris gallopavo*), eastern cottontail rabbits (*Sylvilagus floridanus*), gray catbirds (*Dumetella carolinensis*), American robins (*Turdus migratorius*), and common garter snake (*Thamnophis sirtalis*) are typical wildlife of this community.

Successional shrubland— Black-capped chickadees (*Poecile atricapilla*), American robins (*Turdus migratorius*), mourning dove (*Zenaida macroura*), gray catbirds (*Dumetella carolinensis*), sparrows (*Zonotrichia* spp.), and brown-headed cowbird (*Molothrus ater*) are all common birds for this community. Insects are usually quite diverse in shrublands and generally include ladybird beetles (Coccinellidae), ants (Formicidae), bumble bees (*Bombus* sp.), ichneumons (Ichneumonidae), and craneflies (Tipulidae). A characteristic reptile of successional communities near residential areas is the eastern milk snake (*Lampropeltis triangulum*).

2.3.3 Threatened and Endangered Species

According to correspondence with the New York State Department of Environmental Conservation's Division of Fish, Wildlife and Marine Resources (see Appendix 4), Natural Heritage Program, there are no "...known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site."

2.4 Water Resources

2.4.1 Groundwater and Groundwater Gradient

Groundwater was not encountered during subsurface exploration of the site (See Geotechnical Report in Appendix 10). Fluctuations in the ground water level may occur due to other factors than those present during field operations. Perched water may be encountered within upper sections of weathered shale.

2.4.2 Surface Water Hydrology and Drainage

The existing site topography slopes from southeast to northwest and discharges to four different points:

1. The existing Fisher Bus Service portion of the site has a storm water collection system which discharges to the property to the northwest via a 12" CMP pipe. This portion of the site also picks up sheet drainage from a portion of the vacant land.
2. The storm water runoff from the existing parking lot in front of the former hotel is collected in a series of catch basins and also discharges to the property to the northwest via a 24" RCP pipe which upsizes off-site, downstream to a 30" CMP prior to discharge. This 24"/30" pipe also picks

up discharge from twin 24" and twin 42" pipes which discharge from the I-90 on ramp.

3. The large majority of the vacant portion of this site sheet drains onto the existing residential properties to the west.
4. A portion of the vacant land also sheet drains to Berrick's Creek which crosses the southwest corner of the site.

An existing 42" RCP storm pipe from Commerce Place crosses the south portion of the site and discharges to Berrick's Creek, this pipe will remain.

2.4.3 Existing Waterbodies and Wetlands

Berrick's Creek, which crosses the Southwest corner of the site, is tributary to the Lake Erie drainage system. This creek creates a floodzone, as shown on the site plan maps (Figure 1-1), as well as the survey maps.

A field investigation was conducted and a report prepared by a Soil Scientist and an Ecologist from Earth Dimensions, Inc. (EDI). The wetland delineation report was submitted to USACE for a Federal Jurisdictional Determination. In a letter dated November 28, 2007 (see Appendix 4: Correspondence), USACE made a Jurisdictional Wetland Determination identifying two jurisdictional wetlands, one 2.14± acre and one 1.58± acre wetland located in the southern portion of the site adjacent to Berrick's Creek that are tributary to Lake Erie. Three other wetlands, totaling 3.5 acres were deemed to be isolated non-jurisdictional wetlands.

2.5 Land Use and Zoning

2.5.1 Existing Land Use and Zoning

The project site is comprised of a series of parcels of land covering 79.93+/- acres, currently owned by 29 March, LLC. Existing improvements on the project site include: the vacant Leisure Land, truck stop and Days Inn and associated parking, as well as Fisher Bus Services and that business's parking lot. The remainder of the site is vacant woods.

The project site is presently zoned Light Industrial District (M-2), General Commercial District (C-2) and Residential-Agricultural District (R-A).

The plaza site is located adjacent to I-90 to the south and along Camp Road to the east. Camp Road is a significant regional commercial corridor consisting largely of retail and commercial uses including auto dealerships, hotels, and restaurants. North and east of the site along Camp Road are numerous automobile sales facilities. East of the site on the east side of Camp Road are a number of commercial facilities and a hotel (Tallyho-Tel). The east property line of the site borders the I-90 Exit 57 on-ramp and off-ramp for southbound Rt. 75 traffic; currently forested undeveloped land, and two commercial office buildings. Southeast of the site along Commerce Place are two existing hotels (Comfort Inn and Red Roof Inn), two office buildings, and a medical office building. North of the site on Southwestern Boulevard are: a golf course, commercial facilities, and park land that includes a cemetery. The western boundary of the site neighbors a

residential development area where 17 acres of the project area serve as a buffer between adjacent housing development to the west and drainage areas to the southwest. South of the Thruway is a residential area (Holiday Lane and Brookwood Drive), a hotel (Holiday Inn), and a number of commercial facilities.

2.6 Existing Utilities and Capacity

2.6.1 Sanitary Sewers

A 30" RCP public sanitary sewer is located along the west property line, which flows north. The sewer enters the site from the south, adjacent to I-90 and is located on a 20-foot easement. An 8" PVC public sanitary sewers enters the site from the current end of Commerce Place and continues west. This line connected to the 30" RCP sewer noted above and is located on a 20-foot easement. There is also an 8" VTP public sanitary sewer located along Camp Road.

The Fisher Bus Service building currently discharges to the existing 30" sewer via a 6" lateral. The former hotel discharges to the 8" Camp Road sewer via an 8' lateral and ties into an existing manhole located along the right of way.

A letter was submitted to the Erie County Department of Environment and Planning seeking the available capacity for this site. The letter, dated September 13, 2007, is provided in Appendix 4.

2.6.2 Storm Sewers

The existing site topography slopes from the southeast to the northwest with water discharging to four different points:

1. The existing Fisher Bus Service portion of the site has a storm water collection system which discharges to the property to the northwest via a 12" CMP pipe. This portion of the site also picks up sheet drainage from a portion of vacant land.
2. The storm water runoff from the existing parking lot in front of the former hotel is collected in a series of catch basins and also discharges to the property to the southwest via a 24" RCP pipe which upsizes to the northwest offsite to a 30" CMP prior to discharge. This pipe also collects discharge from two 24" and two 42" pipes which discharge from the I-90 ramp.
3. The majority of the vacant portion sheet drains onto existing residential properties to the west.
4. A portion of the vacant land also sheet drains to Berricks Creek, which crosses the southwest corner of the site.

An existing 42" RCP storm pipe from Commerce Place crosses the south portion of the site and discharges to Berricks Creek.

2.6.3 Water

There is an existing 12" Erie County Water Authority main located on the north side of Camp Road. Current hydrant pressure flow information provided by ECWA indicates

that the static pressure in the main is 104 psi and the residual is 78 psi with a hydrant flow of 2,326. The residual hydrant was the first hydrant north of Commerce Place.

There is an existing 8" ECWA main located on the north side of Commerce Place. According to information from ECWA, the static pressure in the main is 96 psi, with a residual pressure of 56 psi at a hydrant flow of 1,840. The residual hydrant was the third hydrant southwest of Camp Road.

The existing Fisher Bus Service, former hotel and travel plaza are served off the Camp Road main. There is an existing 8" fire service supplying water to the existing on-site hydrant located north of the property line.

A letter was submitted to ECWA seeking the available capacity for this site. The letter, dated September 13, 2007, is provided in Appendix 4.

2.6.4 Other Utilities

Gas is provided to the site from National Fuel.

Electric is supplied to the site from either New York State Electric and Gas or National Grid.

Solid waste disposal is currently provided by a private hauler. Time Warner Cable provides cable services. Verizon has phone lines adjacent to the site.

2.7 Existing Air, Noise and Lighting Conditions

2.7.1 Air Quality

The New York State Department of Environmental Conservation (NYSDEC) monitors ambient air quality in New York, and compares it with federal and state ambient air quality standards. Empirical data is compiled by NYSDEC from monitoring stations and from private sector monitoring. Major, primary air pollutants monitored include CO, SO₂, NO₂, O₃, lead and particulates. Secondary pollutants monitored include sulfates and nitrates.

Because the current use is non-industrial, the major concern is the impact of automobile emissions. The benchmark for vehicle emissions air quality is the ambient carbon monoxide level.

Hamburg, New York is part of the NYSDEC Region 9. This region encompasses Erie, Niagara, Wyoming, Chautauqua, Cattaraugus and Allegany Counties and is monitored by NYSDEC Region 9. The stations nearest to the site that monitor carbon monoxide are in South Buffalo and the City of Tonawanda. According to the most recent report available on Region 9 Air Quality, the region's average ambient carbon monoxide levels are well within state and federal guidelines (2005 Air Quality Report, available at www.dec.ny.gov).

2.7.2 Noise

A noise assessment was performed by Angevine Acoustical Consultants, Inc. in May, 2007 to assess the noise impacts from the proposed project. The noise study analyzed potential and existing noise impacts at adjoining property lines and other nearby properties with potential sensitive receptors. The results of the noise assessment are presented in Appendix 12: Noise Impact Assessment. .

The plaza site neighbors a residential development area along a portion of its west and southwest boundaries (Creekview Drive and Parkwood Common). The residential development contains the closest residential receptors and boundaries.

Noise levels in the community surrounding the plaza site are currently highly influenced by traffic on the adjoining highways of I-90 (Thruway), Rt. 20 (Southwestern Boulevard), and Rt. 75 (Camp Road). The background noise levels were found to continuously vary with traffic volume, and were found to be the highest during observed morning and afternoon peak traffic periods, and the lowest during observed weekend and nighttime hours. Traffic on local streets adds additional influence. Other notable sources include outdoor activities of neighbors, birds, wind, and frequent whistles of railroad trains on the Norfolk Southern rail lines located north approximately one mile. Existing operations of Fisher Bus Service also contribute to the existing background noise levels at the western boundary, in particular during early morning and early afternoon hours when employees arrive, buses are started and idled, buses depart and return from school runs, and employees depart. (Current website information of FBS describes availability of approximately 62 school buses, several spares and charter busses, and approximately 110 employees). Existing community background noise levels were measured at the western boundary and at several other surrounding locations.

The following outline the findings of the Noise Impact Assessment:

- Plaza noise sources operating in the daytime will not generate noise impacts in contrast to daytime background traffic noise levels.
- Building mechanical sources will not generate perceptible noise levels based on the selected types of sources, the distances between the sources and receivers, the shielding of roof edges and parapets, and other sound attenuation factors.
- Site access road traffic will not generate significant noise levels compared to the background noise levels.
- Site traffic in parking lots will not generate significant noise levels compared to the background noise levels.
- Individual plaza service sources consisting of delivery trucks moving on the service road, trailer switch-outs in each loading dock area, and idling of refrigerated trailers at the retail store loading dock will in general not produce

noise levels above daytime background noise levels at the western boundary and will not be perceptible.

- Plaza snow removal and parking lot sweeping scheduled during morning commuter hours are projected to not generate noise levels greater than existing background noise levels under normal operations in parking lots.
- Plaza waste removal services will not generate intolerable noise increases at many of the receptors due to factors of distance and shielding by the forest buffer along the western boundary.

Nighttime noise impacts at the nearest receptors are not projected to result from the plaza, because:

- Traffic on plaza roads and in parking lots in nighttime hours would be minimal or non-existent. Generated noise will as a result be minimal and imperceptible at the nearest receptors.
- Noise impacts from deliveries are anticipated to be minimized as most deliveries are expected to be conducted during daytime hours.
- Nighttime operation of building air conditioning and chiller equipment are projected to generate maximum noise levels of approximately 44 dBA at the western property line with all equipment operating, which is below current existing nighttime noise levels.
- Scheduling of snow removal activities in nighttime hours would be limited to snow emergencies, which will avert most nighttime noise impacts. The maximum projected snow plow level of 48 dBA on the west side of the western property line berm is 4 dB above projected nighttime noise levels, which may be imperceptible or would be considered tolerable.

2.7.3 Lighting

The majority of the existing site is vacant, forested land that does not give off any light. The former Days Inn site located on the Northern portion of the site may have functioning building and parking lot lights that were once in use. The existing Fisher Bus Service that is in operation has both perimeter and building lights that stay on during the night for security purposes. The neighboring Commerce Place and Camp Road both have street lights and traffic creating continuous ambient light in the evening, late night and early morning hours. The adjoining section of the I-90 does not have street lights, but the occasional vehicle at night will give off light from their head lights and tail lights.

Camp Road is a very brightly lit commercial corridor with large automobile sale lots that are lit throughout the night for security and marketing purposes, giving off large

amounts of ambient light. There are also large well-lit signs that front along the road advertising for these businesses.

2.8 Existing Transportation

2.8.1 Existing Traffic Conditions

SRF Associates performed a Traffic Impact Study (Appendix 7) for the proposed Hamburg Crossings plaza, which included an analysis of existing and proposed future conditions.

The proposed site is bounded by NYS Route 75 to the east, retail type land uses to the north, residential/vacant lands to the west, and I-90 to the south. The lands adjacent to the proposed development consist primarily of commercial and residential type uses.

The characteristics of the major roadways in the project vicinity are as follows:

NYS Route 20 (Southwestern Blvd). This roadway is owned and maintained by NYSDOT within the vicinity of the project. The highway is functionally classified as an east/west urban principal arterial highway with two lanes in each direction. The posted speed limit west of Route 75 is 50 MPH and to the east of Route 75 is 45 MPH. According to the most recent traffic volume data collected by NYSDOT in 2005, the annual average daily traffic (AADT) along Route 20 between Amsdell Road and Route 75 is 22,808 vehicles per day (vpd).

NYS Route 75 (Camp Road). This roadway is owned and maintained by NYSDOT within the vicinity of the project. The highway is functionally classified as a north/south urban minor arterial highway with two travel lanes in each direction, a two-way center left turn lane, and a posted speed limit of 45 mph in the vicinity of the site. According to the most recent traffic volume data collected by NYSDOT in 2005, the annual average daily traffic (AADT) along Route 75 south of Route 20 is approximately 25,848 vehicles per day (vpd).

NYS Route 62 (South Park Avenue). This roadway is owned and maintained by NYSDOT. The highway is functionally classified as a north/south urban principal arterial highway with a posted speed limit of 45 mph. NYS Route 62 is generally two lanes in each direction in the vicinity of Southwestern Boulevard. According to the most recent traffic volume data collected by NYSDOT in 2005, the annual average daily traffic (AADT) along Route 75 south of Route 20 is approximately 16,754 vehicles per day (vpd).

Rogers Road (CR 464). This roadway is a north-south roadway that provides a connection between Lakeshore Road (NYS Route 5) to the north and Pleasant Avenue (CR 122) to the south. The posted speed limit in the vicinity of the study area is 35 mph. Rogers Road has one travel lane in each direction with left turn lanes at the Southwestern Boulevard intersection.

Howard Road, Columbia Street, Dartmouth Street, Commerce Place, Deacon Street, Elmview Avenue, Sunset Drive, Scranton Road and Highland Avenue are all local roadways under the jurisdiction of the Town of Hamburg. Sowles Road (County Road 162) and Legion Drive (County Road 134) are under the jurisdiction of Erie County Highway Department.

Given the functional characteristics of the corridor and the land use proposed for the site (retail development), the peak hours selected for analysis were the weekday PM and Saturday midday peaks. The combination of site traffic and adjacent through traffic produces the greatest demand during these time periods.

Weekday PM (4:00-6:00pm) and Saturday midday (11:30am-1:30pm) peak traffic counts were collected by SRF Associates at the study area intersections. Peak hour volumes at six of the study area intersections (Route 20/Sowles Road and the Route 75 intersections with Route 20, Commerce Place, Sunset Drive, Scranton Road and I-90 Thruway drive) were collected on January 05 and 06, 2007. Peak hour volumes at four of the study area intersections (Route 75/Legion Drive intersection and the Route 20 intersections with Rogers Road, Howard Road and Route 62) were collected on January 12 and 13, 2007. Peak hour volume at Route 75/ Highland Avenue was collected on March 2 and 3, 2007. Peak hour volumes at four of the study area intersections (Route 75 intersections with Columbia Street, Dartmouth Street, Deacon Street and Elmview Avenue) were collected on September 07 and 08, 2007. The peak hour traffic periods generally occurred between 4:30 to 5:30 PM and 11:45 to 12:45 PM. Given the varied collection dates of the individual turning movement counts, all traffic volumes were reviewed to confirm the accuracy and relative balance of the collective traffic counts. Minor adjustments to the traffic volumes were made wherever necessary to balance the data within the network within reasonable and expected variations. Existing Average Daily Traffic (ADT) information was obtained from the New York State Department of Transportation (NYSDOT) Traffic Volume Report 2004 and NYSDOT Traffic Data Viewer Website.

2.8.2 Public Transportation

The project site and surrounding area is served by public transportation from the Niagara Frontier Transportation Authority. Camp Road is serviced by NFTA bus routes 74b and 74c with service north to downtown Buffalo and south to the Town of Boston. The site is not serviced by any other forms of public transportation.

2.8.3 Bicycle and Pedestrian

Bicycle and pedestrian access to the site is available via sidewalks along Camp Road and the adjacent area. No one-street bicycle routes exist on Camp Road according to the Greater Buffalo Niagara Regional Transportation Council's available mapping.

2.9 Community and Emergency Services

2.9.1 Police

The area is served by the Town of Hamburg Police Department located at S-6100 South Park Avenue, Hamburg, New York 14075. The bordering I-90 is served by the New York State Police Department.

2.9.2 Fire and Other Emergency Services

The Scranton Volunteer Fire Company provides first aid and fire protection for this area. They work out of two different stations located at 5395 Scranton Road and 5123 College Street. Backup is provided by the eight other local volunteer fire companies located in 12 different stations throughout the Town as mutual aid.

2.9.3 Education

The project site is within the Hamburg Central School District. According to the Town of Hamburg Central School District's website (<http://www.hamburg.wnyric.org>):

The Hamburg Central School District, centralized in 1951, covers 31 square miles in the Towns of Hamburg, Boston, Eden and Orchard Park, including the Village of Hamburg. The district is located 15 miles south of Buffalo near exit 57 of the New York State Thruway. The district is suburban and semi-rural in nature with a population of about 20,000 and an enrollment of about 4,200 students in pre-kindergarten through grade 12. It has four elementary schools, one middle school, one high school and an administration building.

There are about 680 employees, the majority of whom are teachers.

Children residing in the area attend the following schools:

- Hamburg High School at 4111 Legion Drive
- Hamburg Middle School at 360 Division Street
- Armor Elementary School at 5301 Abbott Road
- Boston Valley Elementary School at 7476 Black Creek Rd.
- Charlotte Avenue Elementary School at 301 Charlotte Ave
- Union Pleasant Elementary School 150 Pleasant Avenue

2.10 Historical, Archaeological and Cultural Resources

Panamerican Consultants, Inc. was contracted by Benderson to conduct a Phase I cultural resources investigation for the proposed Hamburg Crossings retail development. The approximately 80-acre project area includes a 20-acre paved commercial area located in the north, with remaining areas covered in woods. Eighteen acres of the project area serve as a buffer between an adjacent housing development to the west and drainage areas to the southwest. The buffer area is to remain an undeveloped greenspace, and measures 150-ft wide along the west extent of the project area, expanding in width adjacent to the north side of I-90 along the southwest portion of the site.

The purpose of the Phase I investigation was to determine if any previously recorded or yet unidentified cultural resources are present within the project area. The cultural resources investigation included archival and historic map research, a site file and literature search, an intensive walkover reconnaissance, photographic documentation of field conditions, and shovel testing.

The cultural resource investigation was conducted in compliance with the National Environmental Policy Act, the National Historic Preservation Act, the State Historic Preservation Act, the New York State Environmental Quality Review Act, and all relevant state and federal legislation. The investigation was also conducted according to the New York Archaeological Council's Standards for Archaeological Investigations and New York State Historic Preservation Guidelines.

A small bottle dump was found centrally within the Hamburg Crossings project area, deposited in the 1940s (based upon dateable glass manufacturer's marks present in sample). The bottle dump, consisting of household refuse (kitchen and bathroom products) was limited in depth (15 cm [5.9 in]) and unstratified. The nearest residence shown on historic maps or aerial photos within proximity of the bottle dump is located approximately 1,500 feet (457 meters) to the northeast (outside the project area). The residence no longer exists.

No archaeological evidence was found of an unidentified map documented structure (MDS) shown within the central portion of the project area on an 1880 map. The MDS is not shown on maps after 1901 and was likely completely demolished or moved, leaving no archaeological evidence. The bottle dump is considered to have low research potential and limited cultural significance based upon its lack of associated context and stratigraphy. The bottle dump does not meet the eligibility criteria for listing in the State or National Registers of Historic Places. No cultural materials were found in the remaining portions of the area of potential effect (APE). Therefore, no further cultural resource investigations are recommended.

The New York State Office of Parks, Recreation and Historic Preservation reviewed the project and submitted a letter (see Appendix 4) to the project sponsor stating that in is "... the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places."

2.11 Visual Setting, Neighborhood and Character

The project site consists of inactive treed land, a vacant Days Inn/truck stop and the active Fisher Bus Service in an area of light industrial developments, commercial uses and single family residential areas. Both the vacant Days Inn and the Fisher Bus Service are surrounded by large areas of pavement for parking and vehicle circulation. In its current state, the vacant Days Inn building and vacant truck stop facilities do not fit in well with the surrounding successful businesses that range in type from operating hotels to offices to automobile sales. The site is visible along Camp Road and the I-90.

Section 3—Assessment of Potential Significant Adverse Environmental Impacts

3.1 Impacts on Land

3.1.1 Potential Impacts Land Use

Benderson Development Company, Inc., proposes to redevelop the former site of Leisureland, now occupied by an existing bus garage and a former truck stop and hotel, into a new shopping center with 652,813± square feet of retail space and 115 hotel rooms. The project will encompass an approximately 80 acres of land located at 5220 Camp Road in the Town of Hamburg, Erie County, New York. Figure 3-1 shows the proposed site plan and location, indicating proposed buildings, structures and infrastructure improvements.

The proposed development consists of the rezoning of 16.49 acres of land zoned Light Industrial District, M-2, to General Commercial District, C-2. Approximately 50.51 acres will remain as C-2 zoning and approximately 12.95 acres will remain zoned as Residential-Agricultural District, R-A. The R-A portion of the site will be preserved by the granting of a conservation easement to ensure that adequate buffer areas exist.

The proposed project also includes the demolition and removal of existing dilapidated buildings, parking areas and infrastructure, and the construction of new improvements including buildings, on-site storm water management facilities, on-site utility improvements, site lighting, landscaping (Figure 3-2), site signage and off-street parking for 3,100+/- vehicles.

The applicant intends to construct all site infrastructure in one phase and begin constructing buildings as market conditions dictate. It is expected that full site infrastructure construction is expected to take two years. Figure 3-3 indicates the overall land use plan, with the location of conservation easements, limits of land disturbance, wetlands, buffers, and flood zones. Figure 3-4 depicts a Tree Plan showing on-site trees to be preserved and proposed new tree plantings.

The C-2 General Commercial District does not expressly permit the use of property for filling or gasoline stations. However, pursuant to Section 280-81 (A)(17)(f) of the Town Code, filling or gasoline stations are permitted under a special use permit.

Currently, Benderson Development is not proposing the installation of any filling or gasoline stations at the Hamburg Crossings site. Should a future tenant make such a request, Benderson Development will be required to make an application for a special use permit to the Planning Board.

3.1.1.1 Mitigation

In order to reduce the impacts to adjacent residential land uses, a wooded area between the site and adjacent residential uses will act as a buffer between the uses, providing residential uses proper screening from impacts associated with commercial uses.

Figure 3-1

Figure 3-2

Figure 3-3

Figure 3-4

3.1.2 Potential Impacts to Soil, Geology and Physiology

The proposed project will result in minor, but long-term impacts to the topography of the site. The site's existing topography is gently sloping and will be graded as necessary, including removal of existing topsoil and vegetation. The site is expected to balance, and therefore, fill material will not be required. Topsoil will be stockpiled and used for landscaping onsite.

The primary physical impact to the property will be disturbance to soils during site development, which will result in an increased potential for soil erosion. Site clearing, road building, infrastructure installation, and building construction will require vegetation removal, earth moving, and general soil disturbance that will increase the potential for wind/water erosion and sedimentation into surface waters.

As noted in the Geotechnical Report (Appendix 10), bedrock on the site varies from 10 to 14 feet. Bedrock is unlikely to be encountered during site construction, and therefore, no significant impact to bedrock is expected during construction and operation of this site. No blasting activity is anticipated in order to permit installation of infrastructure facilities or buildings.

3.1.2.1 Mitigation

A Sedimentation and Erosion Control Plan will be developed for the project and the conditions of the State Pollution Discharge Elimination System (SPDES) General Permit for Construction Activities Greater Than 5 Acres will be followed, in accordance with NYSDEC requirements.

In accordance with the SPDES Permit, the developer must file a Notice of Intent with the State and prepare a Storm Water Pollution Prevention Plan in accordance with permit guidelines. The use of silt fences and/or infiltration basins is the common method used to comply with the requirement for sedimentation and erosion control.

3.2 Impacts on Water Resources

3.2.1 Potential Impacts to Groundwater and Groundwater Gradient Quality

An increase in impervious services will allow less rainfall to seep into the soil as it is collected in a storm water drainage system and detention basins. This could, but is not expected to, impact the seasonally high water table in the area. However, this is not expected to have an adverse impact as water reaching these basins will infiltrate the soil and replenish the groundwater table beneath the site.

Construction of the proposed project will take place in an area where the seasonal water table is close to the surface, and thus site construction and excavation could encounter groundwater. However this impact will be minor and short-term and not have an impact on groundwater. No project change can alter this fact. However, similar construction routinely occurs throughout the Town of Hamburg and other portions of Western New York under similar conditions with no significant adverse impacts, and in fact the site is

a redevelopment project, were development has already occurred without significant impact to water resources.

3.2.1.1 Mitigation

These minor short-term impacts can not be mitigated.

3.2.2 Potential Impact to Surface Water Hydrology and Drainage

Development of the proposed project will create impervious surfaces (roofs, roads, driveways, etc.) within the project area that will increase both the volume and rate of storm water runoff from the site. The post-development impact of this will be the potential flooding of downstream lands and storm water facilities due to the increased run off.

Also, lands, surface waters and/or storm water management facilities downstream of the site may be impacted due to siltation built up during construction. A build-up of silt in downstream catch basins and drainage swales and ditches can reduce the capacity of existing drainage systems and cause flooding.

The location of the snow storage areas as indicated on Figure 3-5 were chosen to minimize the impact of primary parking and also to capture the melting snow in the storm water system. The melting snow will run overland to the catch basins with sumps and be conveyed into the storm water detention and treatment systems prior to discharge off-site.

3.2.2.1 Mitigation

The existing site's topography slopes from the southeast to northwest and discharges to four (4) different points.

1. The existing Fisher Bus Service portion of the site has a storm water collection system that discharges to the property to the northwest via a 12" CMP pipe. This portion of the site also picks up sheet drainage from a large portion of vacant land.
2. The storm water runoff from the former hotel portion of the property is collected in a series of catch basins. These catch basins discharge to the property to the northwest via a 24" RCP pipe which upsizes to a 30" CMP prior to discharge. This 24"/30" pipe also picks up discharge from twin 24" and twin 42" pipes that discharge from the I-90 on ramp.
3. A small portion of the site's vacant portion sheet drains onto the existing residential properties to the west.
4. Another portion of the vacant land sheet drains to Berrick's Creek, which crosses the southwest corner of the site.
5. An existing 42" RCP storm pipe from Commerce Place crosses the south portion of the site in an easement and discharges to Berrick's Creek, this pipe picks up runoff from Commerce Place and the developments along that corridor.

Figure 3-5

The existing 12" discharge from the Fisher Bus Service area will be abandoned/removed. The existing 42" RCP pipe will remain and be unchanged.

In general, the on-site system for collection of the runoff generated from the parking lots, buildings and green areas will consist of a series of catch basins with sumps, yard drains, area drains and manholes with sumps. A pipe network will connect the structures and convey water to detention basins and fields of underground detention piping. Outlet control structures will be installed to control the discharge flow rates off-site to pre-construction conditions. The storm water will flow through a water quality treatment system prior to discharging. The majority of the site will discharge to Berrick's Creek located in the southwest portion of the site. The north portion of the site, adjacent to the 81,245 gsf building, will discharge to the existing 24" RCP pipe located in the northeast portion of the site.

The underground pipe detention field will consist of parallel, perforated CMP pipes surrounded by washed stone. The stone will be wrapped with geotextile fabric to keep it separated from the surrounding soil. The pipes, along with the voids in the stone, will be used to temporarily store the storm water during high intensity storm events. The basins will act in the same manner and provide an area for the storm to be detained and be temporarily stored during high intensity storm events prior to discharge.

The portion of the site that discharges to Berrick's Creek will be divided into six (6) distinct sub-areas. Each of these area will have its own collection, detention, water quality treatment systems and outlet control structures. Each of these systems will tie into a common pipe which will run from the north portion of the site to the outlet into Berrick's Creek. This concept will allow the runoff from the individual sub-areas to be collected, temporarily stored, treated and discharged at a rate equal to the existing runoff. This will allow the flexibility of phased construction of the site, if desired. There will be only one new discharge point into Berrick's Creek and the discharge rate will be equivalent to pre-construction conditions.

The north portion of the site which discharges into the existing 24" RCP pipe will have its own collection, water treatment system and outlet control structure. This area will have both pipe detention and a detention basin to provide temporary storage. A storm water treatment device will be installed prior to discharging into the existing 24" RCP pipe. There will be two connection points to this pipe and the rate will be less than pre-construction conditions.

As previously mentioned, a substantial amount of water from pipes exiting the NYS Thruway on-ramp property enters the 24" pipe which crosses the northwest portion of the property. In order to alleviate any future back up and potential flooding on-site when the flow in the 24" pipe exceeds its capacity, a series of underground detention pipes will be installed and connected to the 24" RCP pipe to provide temporary storage associated with existing flow through this pipe.

Several alternatives to storm water storage and conveyance were analyzed for the project. This included additional storm water basins in lieu of underground pipe detention systems. Given topography of the site and the fact that the proposed storm water system goes against grade and travels a large distance to reach Berrick's Creek, this alternative was not selected. The depth of the basin(s) would be too great and therefore occupy a vast amount of land. While there are basins proposed throughout the site, the number of basins has been minimized and located to reduce the impact on the primary parking locations or aesthetics of the site.

The possibility of following the natural drainage path and discharging all runoff to the property to the north was also explored. This alternative was not selected because of the capacity limitations on the 24" RCP pipe located in the northeast portion of the property. Replacing the pipe is not feasible because it would entail replacement from the Thruway on-ramp to the point where it discharges on the north end. The project sponsor does not own or control much of the land to the north where this work would be performed.

Given the above limitations, the storm water system chosen for this project meets the volume storage and treatment requirements while minimizing the impacts on development area, site aesthetics and the environment.

In accordance with the SPDES Permit, the developer must file a Notice of Intent with the NYSDEC and prepare a Storm Water Pollution Prevention Plan in accordance with permit guidelines. The use of silt fences and/or infiltration basins is the common method used to comply with the requirement for sedimentation and erosion control. When construction activities begin, the initial operations will involve the demolition and removal of existing facilities. This will be followed with site preparation activities to begin the construction of new improvements. Ultimately, permanent storm water treatment facilities that are compliant with the State's Best Management Practices (BMP) manual will be installed as part of the storm water management system for the site. These permanent facilities include measures for pre- and post-treatment of storm water to remove sediments and pollutants. The use of forebays, sediment chambers, infiltration basins, and long term detention basins, are typical. In the period of time when the site is in a stripped condition, prior to construction of permanent storm water treatment facilities, the site is vulnerable to erosion and susceptible to offsite transport of sediments. The use of silt fences and/or infiltration basins is the common method used to control erosion and sediment transport and comply with the requirements of the SPDES program until the permanent facilities are installed.

3.2.3 Potential Impacts to Water Bodies and Wetlands

A wetland delineation and report were conducted and prepared by EDI. EDI submitted a letter to USACE on December 15, 2006 (Appendix 4) requesting a jurisdictional determination and wetland boundary confirmation on wetlands identified during site investigations. EDI's wetland delineation report was reviewed by USACE, which

determined in a letter dated November 28, 2007 (see Appendix 4: Correspondence) that a 2.14± acre and a 1.58± acre wetland located in the southern portion of the site were jurisdiction and subject to USACE regulation and permitting. Three other wetlands, totaling 3.5 acres were deemed to be isolated non-jurisdictional wetlands.

Storm water collected on-site and in aboveground detention basins and belowground detention piping will be discharged to Berrick's Creek via an outlet structure designed to control discharge at the pre-developed rate. Water will flow through a water treatment system prior to outletting to Berrick's Creek. Therefore, there will be no adverse impact to Berrick's Creek due to this project.

3.2.3.1 Mitigation

Federal jurisdictional wetlands and water bodies are regulated by the USACE under Section 404 of the Clean Water Act (33 U.S.C. 1344). The USACE has established a Nationwide Permit (NWP) program to regulate activities in federal jurisdictional wetlands that will result in minimal environmental impacts. NWP No. 39 regulates the discharge of dredge or fill materials "into non-tidal waters" that affect less than 0.50 acres of jurisdictional wetlands. The fill required for construction of the proposed development is permitted under NWP No. 39, which by definition authorizes projects that will have only minor impacts on water resources.

The permit application and process will identify mitigation measures that may be wetland necessary due to the unavoidable impact. The project sponsor would be required to develop a wetlands mitigation plan as part of the federal wetlands permitting process. It is anticipated that implementation of this plan would mitigate the loss of on-site wetlands. Implementation of the storm water management plan will provide both flood storage and treatment of storm water runoff. Overall, the project is not expected to have a significant adverse impact on the region's wetland resources.

3.3 Impacts to Air Quality

3.3.1 Potential Impacts to Air Quality

The subject action is a non-industrial use and consequently the only potential air emissions are associated with motor vehicles. The project will generate traffic of 1,000 or more vehicle trips in a one-hour period. Because the region is in compliance with air quality standards (as discussed in Section 2.7.1), and this project is not expected to bring the region into non-compliance, the impact of vehicle emissions on overall ambient air quality will not present a significant adverse impact.

During construction, fugitive dust emissions may result from the movement of construction equipment onsite.

Phase I and II Environmental Site Assessments (Appendix 13) identified the potential for asbestos containing material (ACM) in the Exit 57 Truck Stop/Days Inn buildings due to the time they were constructed. ACMs present a public health hazard is fibers become airborne, which is likely during demolition of these buildings.

3.3.1.1 Mitigation

The subject action is a redevelopment project, and all impacts need to be evaluated in the context of the net change. With respect to vehicle emissions, existing vehicles have visited the site for decades. Historically, the site has been occupied by uses that include a hotel, a bowling alley, a truck stop and a bus garage. In addition the site is located adjacent to I-90. So when considering impacts that result from auto emissions, this is a site that has been associated a significant number of vehicle trips for decades. The net impacts to air quality associated with auto emissions from vehicles visiting this redeveloped site are not significant.

As necessary, dust suppression (ex. water) may be used to reduce fugitive dust emissions during construction. Fugitive dust will no longer be a concern once the parking lots are constructed and landscaped areas are seeded. The wooded buffer between the site and residential areas will act as a trap for fugitive dust and reduce any off-site migration. All local, state and federal laws associated with the removal of ACMs will be followed during demolition of these buildings.

The idling of heavy-duty vehicles for more than five minutes is prohibited under the New York State Environmental Conservation Law (ECL), Title 6 NYCRR, Subpart 217-3, and falls under the enforcement of DEC Conservation Officers. There are exceptions to this law and the most likely for Hamburg Crossings is the allowance of diesel fueled vehicles operating when the air temperature is below 25°F.

Notwithstanding the exceptions to the law, the proposed project will not have a detrimental impact to the air quality of the adjacent residential neighborhood. When the air quality impacts of the proposed uses are juxtaposed with the those of the previous uses, which included a bus garage, the only reasonable conclusion is that the air quality will improve, both on-site and off-site. Even the most truck-intense proposed uses would not produce the fumes and odor that emanated from the scores of buses that were present on the site.

Furthermore, the existing wind patterns and additional landscaping that the applicant is proposing will protect the adjacent residential neighborhood from any potential air quality impacts.

3.4 Impacts to Aesthetic Resources

3.4.1 Potential Impacts to Aesthetic Resources

As a result of the construction of the project, the visual character of the site will change from a bus garage, vacant hotel, truck stop and wooded areas to a large retail shopping complex with a large wooded buffer between the site and adjacent residential areas. The site is privately owned and there is no loss of public space. The development of the site for commercial purposes is consistent with the zoning and is compatible with existing and proposed land uses nearby.

The proposed development will have a permanent change in the viewshed on the project site and within the surrounding area. The existing buildings and parking lots that occupy a significant portion of the site are deteriorating. The proposed site will improve the overall aesthetics of the area with new buildings while removing vacant uses and vehicle staging and fueling areas.

A landscaping plan per Town requirements will be part of the site plan approval process and provide a more aesthetically pleasing site than the current uses. All signs are anticipated to adhere to Town requirements as well, bringing the site into conformance and allow it to meet the intent of the *2010 Comprehensive Plan* and Camp Road Overlay District.

While the project will have a permanent impact on the existing site aesthetics and the area viewshed, this impact will not be significant, and may be considered beneficial.

Any tenant that requires the use of shopping cart corrals will show the corrals on the site plan and abide by any applicable municipal codes. The carts will be collected by the tenant employees on-site after use by customers. Any carts found off-site will be collected by a contractor.

3.4.1.1 Mitigation

All buildings, landscaping, signage and lighting will meet Town codes and standards and therefore, no adverse impact is expected. Because the minor impact may also be considered beneficial, no mitigation is warranted.

3.5 Impacts on Transportation

3.5.1 Potential Impacts to Transportation

Operation of the Hamburg Crossings site will create additional traffic in the vicinity of the project site. The anticipated increases in traffic will have a potentially significant impact on the existing roadways in the vicinity of the project site. These impacts will be long-term and the Project Sponsor will mitigate significant traffic impacts to the extent possible.

In order to determine the potential impacts of the Hamburg Crossings project on the local roadway network, a Traffic Impact Study (Appendix 7) was completed by SRF Associates.

The purpose of this report is to identify the potential traffic impacts associated with the proposed Hamburg Crossings. The report investigates existing and future weekday PM and Saturday midday peak hour travel conditions at the proposed site drives and the nearby intersections affected by the development.

A background growth rate of 1.5% based on the historical traffic volumes on Route 75 and Route 20 in the vicinity of the proposed site was applied to the existing traffic volumes in the study area for a five-year build-out period. Site generated traffic volumes for the proposed development are projected and distributed to the network

based on existing travel patterns, population centers, and existing highway conditions. The operating characteristics of the proposed access points and impacts to the adjacent roadway network are identified and recommendations are provided to minimize any capacity or safety concerns.

Impacts to Knights Way Intersection

The Camp Road/Knights Way intersection, located just north of the Thruway ramps on the east side of Camp Road, was not included in the original scope of the TIS. This intersection is unsignalized and located 400 ft north of the Thruway off-ramp to Camp Road northbound. The operation and impacts at this intersection are similar to those at the next intersection to the north, Dartmouth Street. A new traffic signal is proposed at the site driveway intersection located on the opposite side of Camp Road approximately 350 feet north of Knights Way. The new traffic signal will create gaps in the traffic on Camp Road. The project is proposed to add approximately 190 vph (285 vph), during the PM (Saturday) peak hours respectively, passing the Knights Way intersection.

Truck Traffic Generation and Access

It is impossible to estimate the volume of truck traffic that will be generated by the site without specific tenants. The volume of traffic could range anywhere from 1-2 trucks per day for a particular tenant to 15-20 trucks per day depending on the type of use. Both driveways are proposed to be signalized affording safe and efficient truck ingress and egress at both driveways. The internal site roadways will be designed to accommodate trucks and emergency vehicles as necessary. On-site circulation patterns are designed to minimize conflicts between trucks and passenger vehicles and pedestrians.

On-site Vehicular Circulation

As indicated above, on-site circulation patterns are designed to minimize conflicts between trucks and passenger vehicles and pedestrians. Based on the traffic volume estimates for the site, a three-lane "ring-road" is appropriate and will accommodate both the through traffic and turning traffic at the various driveways. The number and location of driveways will disperse turning movements such that they are not concentrated at a few locations which could in turn result in queuing and delays. The proposed roundabout is an efficient and safe method of controlling vehicular right of way when properly designed. The design of the roundabout intersection should consider the appropriate design vehicle as well as pedestrian crossings. The all-way stop controlled intersection located to the west of the new driveway at Camp Road was reviewed and it is anticipated that the intersection will operate without significant delays or queuing. This is primarily due to the low volume of traffic expected to exit the retail parking area at this location. The layout of the parking area is more conducive to exiting at the south end of the parking aisles.

NYS Thruway Interchange Reconstruction

An alternative access scenario involving removing the Thruway ramps and replacing them with a roundabout with access to the site via the roundabout was also evaluated. This evaluation was submitted to the NYS Thruway Authority for their consideration.

In a letter dated July 30, 2007, the NYS Thruway Authority indicated that they do not support removal of the Interchange 57 ramp bridge over Route 75 due to the projected lowering of the levels of service and a concern that downgrading the interchange would be short sighted given the growth in the Southtowns area.

Emergency Vehicle Access

The on-site circulation has been designed with consideration for emergency vehicle access and the detailed site design will include evaluation of intersections and driveways to insure that turning radii and roadway widths are designed to accommodate emergency vehicles.

3.5.1.1 Mitigation

The TIS indicates that the transportation network can adequately accommodate the projected traffic volumes and resulting impacts to study area intersections, without significant adverse impacts to traffic operations with the recommended mitigation measures in place.

The following list details specific recommendations to be considered as a result of the proposed Hamburg Crossings development:

1. Signal timing adjustments are recommended at the Route 20 / Legion Drive and Route 20 / Route 75 intersections as a result of the proposed development.
2. Construct both site driveways (proposed reconstructed site driveway and Commerce Place) on Route 75 with two exiting lanes (one right-turn lane and one left-turn lane) and one entering lane.
3. Install new three-color, multi-phase traffic signals at the proposed new reconstructed site driveway and Commerce Place on Route 75. The signals should accommodate a permitted/protected northbound left turn phase and a westbound right turn overlap phase.
4. "No turn on red" signage is recommended on the eastbound approach at proposed new reconstructed site driveway/Route 75 due to the close proximity to the thruway on ramp.
5. Re-stripe the existing two-way left turn lane to provide a 425' (350' storage and 75' taper) northbound left turn lane on Route 75 at proposed new reconstructed site driveway.
6. Extend the southbound right turn lane at Route 75/new site driveway to provide 425' storage (350' deceleration/storage plus 75' taper) contingent upon available right of way.
7. Appropriate pedestrian amenities shall be installed as required by NYSDOT.
8. All recommended roadway and intersection improvements on Route 75 are subject to review and approval by NYSDOT.

3.6 Impacts on Energy/Utility Resources

3.6.1 Potential Impacts to Energy Resources

The addition of more than 600,000 square feet of commercial space to the project area will result in a minor, long-term increase in energy usage (natural gas and electricity),

however this is offset by the elimination in utility demand from 120,000± square feet of former hotel, truck stop and bus garage uses. The net increase is insignificant to the utilization and distribution network already in place to provide utility services for Western New York. There is sufficient capacity available to serve the proposed project, and no improvements to the existing energy supply system are anticipated to be necessary for the proposed action (other than extending existing utility lines within the project site). Therefore, the project will not result in any significant adverse impacts to energy resources or to the provision of energy services to local residents.

Short-term impacts, which will be incurred during the development of the project, will be limited to minor increases in the demand for fossil fuels and petroleum products necessary for the operation and maintenance of construction equipment, machinery, and vehicles. Energy use also will increase as a result of construction personnel traveling to and from the site.

The gas well located on the site is identified, according to the DEC's website, as well #31029036240000. Online records indicate that the subject well has not produced any natural gas in the past seven years, dating back to the year 2000. As such, various determinations must be made.

Initially, it must be determined whether the well has been properly plugged and abandoned. If the well has been plugged, the presence of the well is of no environmental significance. If the well is not plugged, the nature of the well must be classified.

Since the well has been in a state of non-production for an extended period of time, the well operator must file necessary documentation with the DEC in order to preserve the ability to maintain the well. Even assuming that the required documentation has been filed, such an extended period of non-production is likely to be construed by the DEC as an abandonment of the well.

For public policy and safety purposes, New York courts have repeatedly determined that inactive wells, coupled with the failure to file necessary documentation with the DEC, are to be deemed abandoned. In the event that the well is deemed to be abandoned, the operator of the well will be forced to properly plug the subject well. If the well operator fails to do so, the DEC will plug the well at the operator's expense.

3.6.1.1 Mitigation

The increase in energy resource is mitigated by the removal of existing uses from the property that offset increased demands resulting from redevelopment of the site.

According to a letter dated February 8, 2008 from Great Lakes Environmental & Safety Consultants (see Appendix 4), a visual inspection of the site did not reveal the presence of a well and it is presumed to have been plugged and abandoned.

3.6.2 Potential Impacts to Utilities

Water, sanitary and storm sewer impacts are the primary demand impacts associated with the proposed Hamburg Crossings site. As with other utilities, demands for water and waste water facilities from existing and prior uses of site already have service. New, revised extensions of existing public sanitary sewer, storm sewer, and water supply lines will be required to serve Hamburg Crossings. These lines will extend from the existing public lines located along Camp Road, into and throughout the site. Detailed engineering information regarding these services is included in the Engineer's Report that was prepared for the project (see Appendix 8).

Water service to the site is currently, and will continue to be, provided by the Erie County Water Authority. An existing 12" watermain on Camp Road supplies water to the site at a rate of 2,326 gallons per minute (gpm), at a static pressure of 104 pounds per square inch (psi), and with a residual pressure of 78 psi. An existing 8" line on Commerce Place can deliver water at a rate of 1,840 gpm, at a static pressure of 96 psi, and at a residual pressure of 56 psi. Peak operating demands of the project require a flow of 218 gpm, and water demand for fire fighting purposes will need an additional 1,490 gpm. Accordingly, the demands of the project for water supply are easily accommodated by the capacity of the existing water supply delivery system.

Sanitary sewers for the site will discharge to numerous points in the public sanitary system adjacent to the site. The proposed daily discharge from the site at fill build-out is 79,082 gallons. There are strict guidelines governing the design and construction of waste water facilities and the design of such systems are subject to intensive multi-agency reviews. The initial review is conducted by the Town of Hamburg Engineering Department, followed by a review by the Erie County Department of Environment and Planning, Division of Sewerage Management. These reviews are performed to ensure strict compliance with Erie County design standards and specifications for sanitary sewer facilities. Additionally, all states tributary to the Great Lakes and the upper reaches of the Mississippi River adhere to technical design standards set by the Great Lakes and Upper Mississippi Board of Sanitary Sewer Engineers. The responsibility for oversight of these criteria, commonly referred to as the "Ten States Standards," is the New York State Department of Environmental Conservation (DEC). DEC oversees the permit review process for Waste Water Systems which is conducted under their auspices, by the engineering staff of the Erie County Department of Health (ECDOH). This final, "Environmental Compliance Review," includes a certification of downstream capacity through existing facilities to the ultimate point of treatment and discharge. It also includes a final check that any other environmental permits required by the project (related or unrelated to sewer construction), have been issued. If any of the steps fail the review process, a permit for extension of waste water facilities must be denied. Consequently no significant adverse impacts will occur to waste water systems, as a technical limitation of the required permits.

The storm water system is designed with above ground detention ponds and underground storage. The majority of the system will discharge to Berrick's Creek, with a smaller portion discharging to an existing 24" storm sewer. The total water volume required to be detained is 927,988 gallons. As described in detail previously, storm discharges from the site will be restricted to predevelopment levels to ensure that no significant, adverse impact will occur to offsite properties.

The development of the project will cause additional demands on telephone and cable service. However, because these services are in adequate supply in Western New York, the increased needs associated with the project will have a negligible effect. Local telephone and cable service is sufficient to meet any increased demand resulting from the proposed project. Telephone and cable lines will be extended to the project site in conjunction with the development of other infrastructure facilities.

Capacity exists in these systems and therefore no adverse impact is expected.

3.6.2.1 Mitigation

Demand increases associated with this project cannot be mitigated.

3.7 Noise, Odor and Lighting Impacts

3.7.1 Potential Noise Impacts

A computerized noise model was generated representing the planned site and surrounding community to investigate the potential influences of the various plaza noise sources (Appendix 12).

The noise assessment model included the various existing and planned main site features, including forested areas, nearby existing commercial buildings and hotels, surrounding highways and local streets, and planned plaza buildings and parking lots.

Noise generated during construction of Hamburg Crossings will be highly localized, temporary and limited to working hours when ambient noise levels in the area are highest. Further, as with other impacts previously analyzed, all must be considered in context with the historic, and current, occupations of the site. In physical form, the proposed action is not in significant contrast to previous uses. Large buildings fronted by lit parking lots, adjacent to I-90, Route 75 and auto dealership parking lots. The portion of the site that abuts a recently developed residential subdivision (Country Woods Subdivision, developed in the late 1990's) lies to the rear of the site. This is proposed as the least intensively used portion of the subject action and is proposed to be left untouched as a transitional buffer zone where existing vegetation is to be left undisturbed, save for supplemental landscaping at the edges of the construction perimeter. The existing subdivision lies on the opposite side of the buildings that will be occupied by stores from the main parking lots that comprise the most actively used part of the proposed site. This building mass, coupled by the natural vegetation in the buffer zones will effectively create a sound barrier between Country Woods and the subject action.

No significant noise impacts are projected with respect to the Code of the Town of Hamburg in Chapter 175 Noise that prohibits the creation of “unnecessary and unreasonably loud or disturbing noise” ... “of such character, intensity and duration as to be detrimental to the life, health or welfare of the inhabitants of the Town of Hamburg...” The noise levels and noise character to be generated by plaza site traffic will correspond to the levels and character of existing background noise presently generated by traffic on the Thruway, on other adjoining highways, and on local streets.

In addition, no significant noise impacts are projected with respect to the Code in Chapter 280 Zoning that limits activities on lands zoned C-1 from producing “offensive noise”, and that limits permitted activities on lands zoned M-1 Industrial Park District from resulting in “dissemination of ... noise into any R (Residential) or C (Commercial) District.”

3.7.1.1 Mitigation

As no significant noise impacts are associated with this project, mitigation is not required.

3.7.2 Potential Odor Impacts

Construction of the proposed project would produce limited, temporary odors associated with exhaust from diesel equipment and vehicles but would not result in significant adverse impacts, particularly when viewed in the context of the existing bus garages and truck stop that currently occupy the site.

Ongoing operation of the site after construction will not produce odors other than ambient odors from automobile uses and from delivery, maintenance and snow removal vehicles.

Odor from garbage will not have a significant impact as garbage from individual buildings will be collected in enclosed garbage containers and collected by private waste haulers to an approved offsite facility.

3.7.2.1 Mitigation

Mitigation for odor impacts will not be required.

3.7.3 Potential Lighting Impacts

Camp Road is a brightly lit commercial corridor with large automobile sale lots and other uses that are illuminated throughout the night, producing significant amounts of ambient light. There are also large well-lit signs that front along the road advertising for these businesses.

All lighting proposed for Hamburg Crossings will be in compliance with § 155-3 of the Town of Hamburg Code, including light levels at property boundaries and upon adjacent properties. All lights will be “dark sky lighting” with all lights shielded and

aimed toward the ground to limit upward lighting and light trespass to adjacent properties.

As previously noted, the portion of the site that abuts a recently developed residential subdivision lies to the rear of the site. This is proposed as the least intensively used portion of the subject action and is proposed to be left untouched, and unlit, as a transitional buffer zone where existing vegetation is to be left undisturbed, save for supplemental landscaping at the edges of the construction perimeter.

The plaza buildings along the southwestern part of the site, along with the wooded buffer behind them will act as a barrier for the adjacent residential uses. Signage for the project is regulated by the Code of the Town of Hamburg.

3.7.3.1 Mitigation

Lighting on the site will not have an adverse impact on the site or surrounding areas.

3.8 Impacts to Safety and Public Health

3.8.1 Potential Safety and Public Health Impacts

Through private contracting, the project sponsor and/or individual building tenants will provide maintenance such as snow removal, garbage hauling, and other necessary operations, including security and safety monitoring and maintenance of storm water facilities, if necessary. Garbage will be stored in enclosed compactors and dumpsters and rodent and insect problems are not expected. If issues are experienced, the project sponsor and/or individual building tenants will be responsible for addressing these problems.

Vehicular and pedestrian safety is ensured through proper transportation design, as outlined in the Transportation Impact Study in Appendix 7. Vehicular transportation safety measures include proper signal timing and new three-color, multi-phase traffic signals at both proposed site entrances. Section 3.5 of this DEIS outlines the conclusions and recommendations of the TIS. All pedestrian amenities will be provided and design to meet NYSDOT standards.

Phase I and II Environmental Site Assessments (Appendix 13) have been conducted. Underground storage tanks (USTs) and various above-ground storage facilities were identified through Phase I ESAs. Phase II ESAs were recommended due to automobile servicing and fueling. Soil sampling was conducted to determine the presence or absence of subsurface contamination. Subsurface contamination was not present and the ESAs recommended that no further remedial action on the site was necessary due to these uses. The ESAs also identified the potential for asbestos containing material (ACM) in the Exit 57 Truck Stop/Days Inn buildings due to the time they were constructed.

3.8.1.1 Mitigation

All local, state and federal laws associated with the removal of ACMs will be followed during demolition of vacant buildings to mitigate potential adverse impacts.

3.9 Impact on Growth and Character of Community or Neighborhood

3.9.1 Potential Community and Neighborhood Impacts

The proposed use of the project site as a retail development is consistent with the intent and objectives of land use plans that have been prepared for the Town of Hamburg, including 2010 Comprehensive Plan (1997 Master Plan Update) and the Camp Road Overlay District. The Comp Plan identifies this area of Camp Road as a “Regional Commercial Center” with existing uses including “...new and used car dealerships, a truck stop, gas stations, restaurants, a newer commercial park, hotels, etc.”

The Comp Plan states that the “Regional Commercial Centers” are “...very important to the Town, and a steady growth is necessary to stabilize part of the tax base of the Town. The goal of the Town is to protect, improve and foster continued growth of these areas into areas that will least impact surrounding residential neighborhoods.”

The Camp Road Overlay District has put an emphasis on redevelopment of existing properties and the Hamburg Crossings project furthers that goal, along with the site’s emphasis on architectural, landscaping and signage cohesiveness, as well as providing a buffer between the site and adjacent residential land uses.

A Rezoning Application has been submitted for the proposed project. The rezoning application was necessary to allow the site to be developed consistently as one site under the same zoning classification. A Special Use Permit per Town of Hamburg code will be required for the three buildings that will exceed 100,000 square feet. The applicant will apply for the Special Use Permit during the site plan application.

Fisher Bus Service is relocating to a new location near the existing site, which keeps the business within the Town of Hamburg.

Development of this site will not adversely impact surrounding land uses or community character. Adjacent residential uses will be separated from the site with a buffer and the site will be in keeping with existing land uses on Camp Road.

The project will be developed in compliance with the Town of Hamburg *2010 Comprehensive Plan*, as well as the Camp Road Overlay District, which identifies this area of the Town as a “Regional Commercial Center” and emphasizes the goal redevelopment of existing properties, which the Hamburg Crossings project meets.

Therefore, development of the site will not have a negative impact on the community or adjacent land uses.

3.9.1.1 Mitigation

The project is not anticipated to have an adverse impact on growth and community character and therefore mitigation is not required.

3.9.2 Potential Impacts to Community Services and Economics

In addition to services and needs discussed above, the remaining community impact Hamburg Crossings will have will be to the additional need for police and fire protection. The need for these services is not expected to exceed the existing capacity of the Town of Hamburg and its emergency services.

In addition, the project will not add students to the Hamburg Central School District. However, the Hamburg Central School District will benefit from this project through increased revenue from taxes collected.

Overall demand for community services created by development of the site is not expected to exceed the capacity of the town to provide services, particularly since development is of a commercial nature. Furthermore, the development will result in significantly higher assessed value for the property which will increase tax revenues for the Town, School District and County.

Based on the applicant's calculations and a market value of \$40 per square foot, this project is expected to generate approximately \$880,000 a year in taxes. Approximately 56% of this would be paid to Erie County, the Town of Hamburg and special districts and 44% would be paid to the school district.

With respect to the impact that stores within the Hamburg Crossings will have on existing businesses and future development trends, NYSDEC has stated:

“...the free market system represents a basic characteristic of our society. The potential that a proposed project may be more successful and draw customers and profits away from established enterprises, should not be subject for consideration in the EIS.”

The applicant will not be applying for any tax incentives or public money in connection with the construction of this project. While the project will not seek tax incentives, the stores within the development will be entitled to state programs, which will temporarily lessen their tax obligations.

3.9.2.1 Mitigation

No mitigation is required for impacts to community services.

Section 4—Summary of Proposed Mitigation Measures

SEQR requires that a DEIS include mitigation measures designed to minimize the adverse environmental impacts associated with a project to the maximum extent possible. In accordance with this requirement, the following summarizes the proposed mitigation as outlined in Section 3 of this document.

Potential Impacts Land Use

In order to reduce the impacts to adjacent residential land uses, a wooded area between the site and adjacent residential uses will act as a buffer between the uses, providing residential uses proper screening from impacts associated with commercial uses.

Potential Impacts to Soil, Geology and Physiology

To mitigate impacts to site soils during construction, as well as impacts off-site due to siltation, a Sedimentation and Erosion Control Plan will be developed for the project and the conditions of the State Pollution Discharge Elimination System (SPDES) General Permit for Construction Activities Greater Than 5 Acres will be followed. The project sponsor will also file a Notice of Intent with the NYSDEC and prepare a Storm Water Pollution Prevention Plan in accordance with permit guidelines. The use of silt fences and/or infiltration basins is the common method used to comply with the requirement for sedimentation and erosion control.

Potential Impact to Surface Water Hydrology and Drainage

A storm water management system using detention ponds and underground storage has been designed for the project that will meet Town of Hamburg and state requirements for storm water retention. The proposed project design incorporates drainage measures that comply with the Town's policy.

To reduce downstream siltation and potential drainage and flooding impacts, a Sedimentation and Erosion Control Plan will be developed. The project sponsor will file a Notice of Intent with the NYSDEC and prepare a Storm Water Pollution Prevention Plan in accordance with permit guidelines. The use of silt fences and/or infiltration basins is the common method used to comply with the requirement for sedimentation and erosion control.

Potential Impacts to Water Bodies and Wetlands

Impacts to federal jurisdictional wetlands are not anticipated. However, if there is an impact to a federal jurisdictional wetland, a permit from USACE would be required. The permit application and process will identify mitigation measures that may be wetland necessary due to the unavoidable impact. The project sponsor would be required to develop a wetlands mitigation plan as part of the federal wetlands permitting process. It is anticipated that implementation of this plan would mitigate the loss of on-site wetlands. Overall, the project is not expected to have a significant adverse impact on the region's wetland resources.

Potential Impacts to Air Quality

As necessary, dust suppression (ex. water) may be used to reduce fugitive dust emissions during construction. Fugitive dust will no longer be a concern once the parking lots are

constructed and landscaped areas are seeded. The wooded buffer between the site and residential areas will act as a trap for fugitive dust and reduce any off-site migration.

All local, state and federal laws associated with the removal of asbestos containing materials will be followed during demolition of these buildings to reduce asbestos being released into the air.

Potential Impacts to Transportation

The Transportation Impact Study (Appendix 7) indicates that the transportation network can adequately accommodate the projected traffic volumes and resulting impacts to study area intersections, without significant adverse impacts to traffic operations, with some recommended mitigation measures in place. The recommended mitigation measures are as follows:

1. Signal timing adjustments are recommended at the Route 20 / Legion Drive and Route 20 / Route 75 intersections as a result of the proposed development.
2. Construct both site driveways (proposed new reconstructed site driveway and Commerce Place) on Route 75 with two exiting lanes (one right-turn lane and one left-turn lane) and one entering lane.
3. Install new three-color, multi-phase traffic signals at the proposed new reconstructed site driveway and Commerce Place on Route 75. The signals should accommodate a permitted/protected northbound left turn phase and a westbound right turn overlap phase.
4. “No turn on red” signage is recommended on the eastbound approach at proposed new reconstructed site driveway/Route 75 due to the close proximity to the thruway on ramp.
5. Re-stripe the existing two-way left turn lane to provide a 425’ (350’ storage and 75’ taper) northbound left turn lane on Route 75 at proposed new reconstructed site driveway.
6. Extend the southbound right turn lane at Route 75/new reconstructed site driveway to provide 425’ storage (350’ deceleration/storage plus 75’ taper) contingent upon available right of way.
7. Appropriate pedestrian amenities shall be installed as required by NYSDOT.
8. All recommended roadway and intersection improvements on Route 75 are subject to review and approval by NYSDOT.

Section 5—Project Alternatives

5.1 No Action Alternative

The “No Action” Alternative would involve leaving the site in its current condition with no action taken by the project sponsor to develop the site. While there would be no short term adverse environmental impacts resulting from this alternative, it would not be consistent with the Project Sponsor’s objectives to satisfy demands for retail space, to create jobs in the Town of Hamburg, and to stimulate the local economy and increase tax revenues for the Town, County and school district. The “No Action” alternative is not realistic given the fact that the project site is privately owned. The “No Action” alternative would also not prevent the current owner or a subsequent owner from seeking to develop the project site in the future.

5.2 Alternative Designs

The project layout represents a conceptual design for maximum build-out of the site based on site constraints and current zoning regulations and a pending rezoning application. This allows for evaluation of the maximum impact anticipated for site development. The actual layout and size of buildings may change slightly from the conceptual plan once final site users are identified and plans are advanced for site plan review. Some aspects of the concept plan will not change at all, since such changes could have a significant impact on the environment or the surrounding residential community.

The project sponsor developed this plan with care to allow for buffering of adjacent residential uses and other concerns. This design is the product of a process that considered, and will continue to consider, the written standards set forth by the Town of Hamburg

5.3 Alternative Locations

There are no other sites considered for this development. The proposed project site is subject to rezoning by the project sponsor and is served by adequate public utilities and has adequate access to high-volume, high-capacity roadways. It would not be economically feasible for the project sponsor to purchase another piece of land to accommodate the proposed project. In addition, the site is in an area designated by the Town in their *2010 Comprehensive Plan (1997 Master Plan Update)* as an area of regional commercial development, and therefore the proposed project maintains the integrity and intent of the Comprehensive Plan.

Section 6—Cumulative Impacts

SEQR requires a DEIS to include a discussion of any cumulative impacts associated with a project. Construction duration and occupancy of the proposed Hamburg Crossings development in Hamburg is anticipated within five years. The Town of Hamburg was contacted to discuss current projects within the project study area that are currently under construction and/or approved.

The only likely cumulative impact associated with the Hamburg Crossings project is traffic. In order to properly assess the impact of Hamburg Crossings on traffic in the vicinity, a Transportation Impact Study (Appendix 7) was completed. This analysis determines the cumulative impact of existing traffic conditions; proposed traffic from the Hamburg Crossings site and projects future impacts of nearby developments into account.

The following developments are approved/under construction in the project area and were considered in the TIS:

- Wellington Woods Subdivision that consists of 54 single family residential units near the Lakeview Road/Lakeshore Road intersection,
- Treehaven Subdivision that consists of 90 single family residential units and 43 patio homes near the Route 5/Lakeshore Road intersection,
- Woodstream Estates Subdivision that consists of 85 single family residential units to the north of the site along Rogers Road (south of Cloverbank Road).
- A new WalMart store on the northeast corner of Route 20/Rogers Road.

Despite the increase in traffic from the Hamburg Crossings project and other nearby developments, the TIS has shown the transportation network can adequately accommodate the projected traffic volumes and resulting impacts to the study area intersections, without significant adverse impacts to traffic operations.

Section 7—Growth Inducing Impacts

Growth-Inducing Impacts

7.1 Population Growth

The proposed development may generate a small amount of population. Some new residents may move to the area for employment opportunities. Given the need for employment opportunity at this time, it is expected that jobs will be filled by individuals already living in the area or by individuals who live in the region and will commute to work.

The proposed Hamburg Crossings development will generate both construction related jobs and permanent jobs. The construction of the overall project will generate 450-500 construction positions over a five-year full build out period. Various trades in management and the construction industry will perform services for the project development. When construction is complete Hamburg Crossings will employ approximately 800 people, both full and part-time in the retail and hospitality fields.

7.2 Support Facilities

Based on the results of preliminary engineering analysis, there are adequate existing support services (i.e., sanitary sewer and water supply) to handle demands generated by the proposed development.

7.3 Existing Commercial

The Hamburg Crossings Retail Center is situated close to the center of the Town of Hamburg, approximately two miles from the center of the Village of Hamburg shopping district. Retail businesses that comprise the village shopping district are mostly specialty stores, restaurants, convenience stores, banks and offices. Hamburg Crossings is located approximately four miles from the major commercial area surrounding, and including the McKinley Mall, and approximately six miles from Quaker Crossings Retail Center in Orchard Park, New York.

With respect to the impact that stores within the Hamburg Crossings Retail Center will have on existing businesses, The NYSDEC has declared that

“...[t]he free market system represents a basic characteristic of our society. The potential that a proposed project may be more successful and draw customers and profits away from established enterprises, should not be subject for consideration in the EIS.”

However, stores within the Hamburg Crossings development will include national retail chains. Because of the proximity of the site to the McKinley Mall and the Quaker Crossings Retail Center, and because of the nature of the stores anticipated within the proposed development, stores within the village shopping district should not be impacted by the proposed development. Construction of the mall and other “big box” stores in the mall vicinity has not seriously impacted the character of the Village. Hamburg Crossings will service shoppers whose destination would otherwise have been the McKinley Mall,

Southgate Plaza, Quaker Crossings or Walden Galleria. Stores in and around the McKinley Mall will probably be most affected from competition with the subject action. Competition with other major retailers in the mall area should have a beneficial impact to consumers, as healthy competition will bring more choices and lower costs.

Primary reasons for locating this project on this parcel is the proximity to I-90, location near an existing regional draw (McKinley Mall), and the location near southtown residential townships. Merchants in the village and town will probably benefit as development so close to the mall will increase the regional draw of the center. The subject action does not represent a significant, adverse impact with respect to existing retailers.

7.4 NYS Thruway Interchange

The Hamburg Crossings Retail Center is expected to increase the amount of traffic at the interchange of the NYS Thruway. However, the *Transportation Impact Study* did not identify any changes in the Level of Service (“LOS”) that would require any mitigation.

7.5 Induced Development Potential

Assuming that the current residential growth in the vicinity of this project continues and/or a critical mass of employees is realized, additional commercial development is expected in the area. This has been anticipated in the *Town of Hamburg 2010 Comprehensive Plan* where it identifies Camp Road, particularly the area surrounding the I-90 interchange, as one of the regional commercial areas that is primed for continued and controlled growth.