

APPENDIX D

Appendix D: Comments Submitted on the Draft Environmental Impact Statement

1. Public comments taken from the Public Hearing, April 14, 2008.
2. Comments from Peter Reszka, Town of Hamburg Planning Board, dated May 15, 2008.
3. Comments from the Town of Hamburg Engineering Department, dated May 21, 2008.
4. Comments from the Town of Hamburg Planning Department.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was
ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

RESOLVED, that the Town Board close the Public Hearing.

7:00 p.m. Public Hearing for the amendment of Zoning Code for property at 5220 Camp Rd.

PLEASE TAKE NOTICE that there has been presented to the Town Board on March 10, 2008, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #6, 2008; said local law provides for the amendment of Local Law #10, 1986, Chapter 280-Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for property located at 5220 Camp Road. The property is to be rezoned from M-2 (Light Industrial District) to C-2 (General Commercial District) and is further described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg County of Erie and State of New York, being part of Lot No.13, Township 9, Range 8 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the existing southwesterly line of Camp Road (S.H. 1067), 1.06 feet southeast of the northwesterly line of lands acquired by the New York State Thruway, Erie Section, being Subdivision No. E-8-A, Map No. 822, Parcel No. 822, said point also being a measured distance of 325.07 feet southeasterly as measured along the southwesterly line of Camp Road from the southeasterly line of lands conveyed to Chrysler Realty Corporation as recorded in Erie County Clerk's Office in Liber 9616 of Deeds at page 461;

Thence S28°03'40"E along the southwesterly line of Camp Road a distance of 206.54 feet to a point in the westerly line of lands acquired by the New York State Thruway, Erie Section, Subdivision No. E-A-8, Map No. 580, Parcel No. 580;

Thence S09°21'07"E continuing along the westerly line of said Parcel No. 580 a distance of 118.00 feet to a point therein;

Thence S10°56'23"W continuing along the westerly line of said Parcel No. 580 a distance of 287.00 feet to a point therein;

Thence S28°01'12"W continuing along the westerly line of said Parcel No. 580 a distance of 488.00 feet to the point or place of beginning;

Thence S35°02'44"E continuing along the westerly line of said Parcel No. 580 a distance of 458.00 feet to a point in the northerly line of a map filed in the Erie County Clerk's Office under Cover 2426;

Thence S89°57'55"W along the north line of map cover 2426 a distance of 1185.06 feet to a point in the east line of a map filed in the Erie County Clerk's Office under Cover 2866, said point also being in the westerly line of said Lot 13;

Thence N00°10'16"W along said east line of Cover 2866 and said westerly line of Lot 13 a distance of 584.86 feet to a point;

Thence N55°52'40"E a distance of 424.07 feet to a point;

Thence N34°07'10"W a distance of 26.46 feet to a point;

Thence N54°18'34"E a distance of 211.77 feet to a point;

Thence S35°02'44"E a distance of 723.74 feet to the point or place of beginning containing 16.5 acres of land, more or less.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on April 14, 2008 at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: March 10, 2008

Catherine Rybczynski
Town Clerk
Town of Hamburg

LEGAL NOTICE FOR PROPOSED HAMBURG CROSSING RETAIL CENTER

The Town of Hamburg Town Board, acting as SEQRA Lead Agency, will hold a public hearing on Monday, April 14, 2008 at 7:00 PM in Hamburg Town Hall, 6100 South Park Avenue, Hamburg, New York, 14075 to allow public comment on the Draft Environmental Impact Statement (DEIS) submitted by Benderson Development Company, LLC for the proposed Hamburg Crossing Retail Center project located at 5220 Camp Road (Consisting of the former Leisureland site and the back of Commerce Park). The public hearing is in accordance with article 8 of the Environmental Conservation Law, SEQRA, for this Type I action that required an EIS. The proposed project involves the construction of an approximately 650,000 square foot

retail center and a 115 room hotel on approximately 80 acres of land. The public hearing will also allow the public to comment on the rezoning of a portion of the 80-acre site from M-2 (Light Industrial District) to C-2 (General Commercial District). Comments on the DEIS will be accepted through April 25, 2008 and can be submitted to Andrew C. Reilly, Town of Hamburg Planning Department, S6100 South Park Avenue, Hamburg, New York, 14075. A copy of the DEIS is on file at the Town of Hamburg Planning Department and Town Clerk's Office and can be viewed on the Town's website at www.townofhamburgny.com. No formal action on the site plan or rezoning will take place at this public hearing.

No correspondence was received.

Drew Reilly notes that this is a combined public hearing, this includes the rezoning and the project. Some of the property is zoned light industrial so that needs to be changed.

Jeffery Palumbo, attorney for Damon & Morey, notes that the property is located right off the Thruway. He gives the background for the SEQRA review and the project itself. There will be a shopping center consisting of approximately 652,000 square feet of retail and restaurant uses. Also proposed is a hotel for the site of approximately 115 rooms.

Supervisor Walters comments that he is aware of the neighborhood behind this site and commends Benderson Development for providing the substantial buffering in that neighborhood. His objection is with the NYS Thruway ramp right there that could be developed.

Councilwoman Kesner states that she agrees with the Supervisor on the ramp and notes that over the years they tried to convince the Thruway Authority to turn that over for development, but that didn't work. She also asks Mr. Palumbo and Mr. Batesta what type of buffer is behind the development.

William Tyne responds that behind the bus garages is where the additional landscaping is planned. This will be mounds of dirt with trees on top.

Tony Battista notes that the loading and unloading of goods to the development can be discussed further during the development stage.

Tony Battista shows a graphic on the buffering that is there now which really isn't anything.

Councilwoman Kesner also questions the lights and wants language in planning process that the lights will be shielded so they aren't shining in everyone's backyard.

Mr. Reilly responds that they have worked with other developers in the past that the lights be brought down after a certain time at night.

Councilwoman Kesner questions if there are any potential tenants for this site yet.

Mr. Battista responds that they do have a few leases that are out for negotiations but they can't announce anything yet.

Councilman Smardz questions if this is going to be built in one complete stage or different stages.

Mr. Battista responds that this will not be built immediately. They would focus on anchor tenants and then it would be done in phases.

Councilman Best notes that 650,000 square feet of retail space is a lot to fill. He would look at this unfavorably on this project if Benderson came up with more vacant stores. This will be an important part for him to accept this proposal.

Mr. Battista responds that they hear this quite often and this site has more of a region ability asset to it.

Joe Killian questions how many floors the hotel is going to be.

Tony Battista responds that they are still in the design stage of that but the target is 115 rooms. Joe Killian questions if it's anywhere between three and five floors.

Mr. Battista responds that it's very possible. This is going to be an upscale hotel.

Joe W., resident, states his traffic concerns and questions how many traffic lights will be there.

Mr. Battista responds that there will be one at the main entrance and another at Commerce Dr.

Drew Reilly notes that one of the biggest concerns is the traffic. They are still in the process of reviewing the traffic study.

A resident questions if there are any tax incentive for them with this.

Supervisor Walters notes that there is not.

Tony Battista and Drew Reilly encouraged the residents to write and email their input.

Julie Kane questions how many feet there will be between the parking lot and the residents.

Mr. Battista responds the distance between the building and property line is 190 feet.

Frank Walsh notes that he hopes there a lot of restrictions put on the loading and unloading, diesel fuel, etc.

Supervisor Walters responds that there are a lot of conditions such as idling time and conditions

on loading and unloading.

Gary Hanes stresses his concerns on the noise and diesel smells.

Joe Killian questions the elevation of the signs.

Tony Battista responds that this is in the design stage but they do have rough drafts.

Councilwoman Kesner asks if the buffer could be increased somewhat.

Tony Battista responds that it would be difficult because this is a linear layout.

A resident questions the size of the buildings.

Gary Hanes questions the northern section. (Buffering)

Drew Reilly notes that the whole 150 feet will be conservation area. There will be no development within 150 feet.

Councilwoman Kesner asks Mr. Reilly to meet and explain to the residents what they propose.

Linda Shantler notes that the entrance to the thruway is a nightmare now so if extra traffic is added in this area it will become death row.

Supervisor Walters responds that they have been working with the Thruway Authority on this and they will continue to address that.

Mr. Malinowski questions that if a fence is put there would it be on the property lines or somewhere else.

Drew Reilly notes that the neighbors have to get together and decide where they want it to be. He notes that this may be on the Town's agenda again starting next month, so again go to the Town's website, at the latest it will be back again in June.

Mark Mesina comments that it's nice that the uglier buildings in the Town are being cleaned up and thinks this is good for the Town.

Don Wiess comments that his concern is the height of the buildings and encourages the Town to enforce the 35 feet restrictions. The second concern is the buffer along the Thruway that hasn't been discussed. The 150 foot buffer notes that this is a huge amount and compliments Mr. Battista for handing out his business cards because that shows he is willing to work with the residents. He encourages the Town Board and Planning Department to make sure the laws of the Town are upheld so they don't get a variance for the height of the signs.

Tony Battista comments that the 35 foot for the hotel was stated that they may go for a variance. As far as the buffer along the Thruway right now, the deed states a 25 foot buffer. The signage along the Thruway will be kept to a minimum with at least one prominent sign along the Thruway to reflect the proportion of the site.

2.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

RESOLVED, that the Town Board close the Public Hearing.

3.

On a motion of Supervisor Walters, seconded by Councilman Best, the following resolution was

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

RESOLVED, the Town Board approve the minutes from the following meeting:

March 24, 2008, Town Board Meeting

4.

On a motion of Supervisor Walters, seconded by Councilwoman Kesner, the following resolution was

ADOPTED Ayes 4 Walters, Best, Kesner, Smardz
 Noes 0

WHEREAS, General Municipal Law (GML) § 104-b requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML § 103 or any other law; and

WHEREAS, the Town Board previously adopted Town of Hamburg Fiscal Policies on June 25,

Andrew Reilly

From: Sarah desJardins [sdesjard@townofhamburgny.com]
Sent: Thursday, May 15, 2008 2:29 PM
To: Andrew Reilly
Subject: Fw: Hamburg Crossing DEIS

----- Original Message -----

From: "Peter Reszka" <petereszka@roadrunner.com>
To: <sdesjard@townofhamburgny.com>
Sent: Thursday, May 15, 2008 11:51 AM
Subject: Hamburg Crossing DEIS

> Sarah,
>
> I don't have Drew's E Mail address on this computer yet. Could you
> please forward a copy to him?
>
> With regards to the above DEIS, I have several concerns.
>
> Traffic
>
> The traffic impact upon the overall area as a whole seems to be
> thoroughly addressed. The impact upon the area immediately opposite the
> project seems to be understudied. Their conclusion that the side
> streets, already service level F at most times, will not be impacted by
> the project and need no remediation seems flawed. The newly installed
> lights on Camp Rd. will slow traffic but will also cause traffic back
> ups at those same lights. The back up will extend past those same side
> streets making it impossible for any vehicle to make a left turn and
> merge with the stopped traffic. This is a huge safety concern to me.
> Frustration will cause accidents.
>
> Wet Lands
>
> The wet lands are delineated in the DEIS but I feel that there are not
> enough safe guards in place to ensure that the general public will not
> damage them while on site. Is there anything that can be done to reduce
> the possibilliity of public incursion in to these lands?
>
> Peter
>
>
> --
> This message has been scanned for viruses and
> dangerous content by MailScanner, and is
> believed to be clean.

TO: Planning Board

FROM: Engineering Dept.

DATE: 5/21/08

SUBJ: 5/21/08 PLANNING BOARD MEETING AGENDA

Hamburg Crossings Draft Environmental Impact Statement (DEIS)

Review Comments

The following review comments on the DEIS for the above-referenced project, which were previously included in our 2/6/08 memo in this regard, have not yet been addressed. Please

forward these comments to the applicant:

(1) The DEIS does not adequately address providing sanitary sewer service to the site. Page 2-9 references a 9/13/07 letter to the Erie County Department of Environment and Planning regarding available sewer capacity. A response from the ECDEP needs to be obtained and presented. Statements made on Page 1-8 regarding proposed sanitary sewer ownership and reuse of existing sanitary sewers need to be revised and clarified according to ECDEP and Town requirements.

(2) On Page 2-10, clarification of the specific utility company that will be supplying electricity to the site should be addressed.

(3) On Page 1-18 and Page 3-15, Section 3.5.1.1, Item No. 1, there is no Route 20/Legion Drive intersection (it should be Route 75/Legion Drive).

5/21/2008

(4) The page numbers shown in the Table of Contents should be appropriately revised to correspond with the page numbering of the updated document.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.

Town Engineer

Richard J. Lardo

Town of Hamburg Planning Department Comments*Land*

- How many acres of wooded area will be removed as a result of the project?
- How much soil will be removed or brought onsite as a result of the project?
- Provide further discussion on the removal of storage tanks from the property.
- Provide a better understanding of the phasing of the project (will the project contain spec buildings or constructed as leased?).
- When will the conservation areas at the rear of the site be dedicated to the Town (condition of rezoning)?

Water Resources

- The DEIS states that the stormwater system is being developed in a way that allows for phased development, if desired. Previously, the DEIS stated that the project would be developed in a single phase. The applicant should clarify the phasing of this project.
- The DEIS indicates that the existing 24-inch stormwater pipe may exceed capacity, prompting the installation of underground pipes to alleviate any stormwater backup and potential flooding. Discuss how often and the extent of flooding that occurs as a result of this pipe exceeding capacity. Will the proposed underground pipes alleviate any potential flooding on other sites?
- See Town Engineering comments related to stormwater.

Aesthetics

- The applicant should identify the potential for retailers to utilize outdoor storage within the project site along with measures that would be taken to contain and screen the storage area.
- As discussed during the Public Hearing, provide further detail on the berm, fencing, buffer, and planting along the rear of the site adjacent to the residential areas.
- Entrance features and signage will be important to the aesthetics of the area. Per the Camp Road Overlay, ground signage should be provided at the entrances.

Transportation

- The applicant should discuss the potential for any of the retailers to utilize drive-thru windows and the impact on traffic circulation they may have.

- There is concern that the cross-access road will experience problems near the traffic circle proposed for the terminus of Commerce Place and where it intersects with parking aisles to form a four-way stop within 300 feet of the intersection with Camp Road.
- See separate traffic review memo and correspondence from the NYS Thruway Authority and NYS DOT.

Energy/ Utilities

- The applicant should provide a list of energy saving measures and other environmentally sound practices that will be incorporated into the project.
- See Town Engineering comments relating to utilities.

Noise, Odor, and Lighting

- Solid waste disposal services appear to have the greatest potential noise impact to the adjacent residential neighborhood since dumpster locations will be to the rear of the buildings. The DEIS indicates that increases in noise may be greater than 10dBA at nearby residential receptors. The Noise Impact Assessment offers several mitigations to reducing the impact of this noise impact on nearby residences. Will any of these mitigations be incorporated into the project?
- The applicant should indicate the type of lighting proposed for the site along with the proposed height of lighting standards proposed. Can lighting intensity be reduced "after hours"?
- The DEIS states that lighting at property boundaries will comply with Town Code. The applicant should identify the intensity of lighting that will occur at the property boundaries.
- The DEIS indicates that no lighting will be used on the backside of the buildings, however, the truck loading/unloading docks and dumpsters are located here. It seems unreasonable that no lighting will be located on the backside of the buildings. The applicant should verify this comment and if lighting will be used, indicate the lighting intensity at the property boundary.

Cumulative Impacts

- There is an approved Lowe's Home Improvement Store proposed on Southwestern Boulevard near Sowles Road that is within the project area.
- If the NYS Thruway Authority reconstructs the I-90 interchange with Camp Road into an at-grade intersection in the future, what will be the likely impacts to the project's layout?