
FINAL ENVIRONMENTAL IMPACT STATEMENT

WILLOW WOODS SUBDIVISION
6636 TAYLOR ROAD
TOWN OF HAMBURG, NEW YORK

Prepared by Town of Hamburg
Lead Agency: S-6100 South Park Avenue
Hamburg, New York 14075
Contact: Andrew C. Reilly, P.E., AICP
716-649-2023

Applicant/Project The Five Yovienes, LLC
Sponsor: 4464 Shady Ridge Drive
Hamburg, New York 14075
Contact: James Yoviene
716-854-1600, ext. 101

Date of Acceptance of DEIS by Lead Agency: April 4, 2013

Deadline for Written Comments: May 15, 2013

Accepted as Complete: September 4, 2013

WILLOW WOODS SUBDIVISION

6636 Taylor Road
Town of Hamburg, New York

Applicant:
The Five Yovienes, LLC
Hamburg, New York

September 2013

File No. 10J5-0032



Prepared for Lead Agency
Town of Hamburg Planning Board



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Empire Geo Services, Inc.

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1.0 EXECUTIVE SUMMARY

1.1 FEIS Overview

This Final Environmental Impact Statement (FEIS) document has been prepared in compliance with requirements of the State Environmental Quality Review Act (SEQR), for the proposed Willow Woods Subdivision, a single-family residential subdivision on approximately 141.40± acres of land located at 6636 Taylor Road, Town of Hamburg, Erie County, New York. The FEIS includes by reference the Draft Environmental Impact Statement (DEIS).

The following steps in the SEQR process have been taken for this action:

- A DEIS was submitted by the applicant on March 22, 2013.
- The Town of Hamburg Planning Board accepted the DEIS as complete for review on April 4, 2013.
- The Town of Hamburg Planning Board held a public hearing on the action and the DEIS on May 1, 2013.

Minutes of the public hearing were prepared by Town of Hamburg Planning Department. The substantive comments received at the public hearing, together with the substantive written and verbal comments received during the comment period, have been summarized in this FEIS document. The public comment period was held open through May 15, 2013.

The comments and responses in the FEIS are grouped and presented by category. Individual comments have been summarized, with reference to the source of the comment listed.

Comments received have been categorized by agency response under the following headings:

- New York State Department of Environmental Conservation (NYSDEC)
- Erie County Department of Environment and Planning (ECDEP)
- Town of Hamburg Planning Board

1.2 Project Description

Willow Woods Subdivision, as proposed for development by The Five Yovienes, LLC ("Project Sponsor"), is located at 6636 Taylor Road in the Town of Hamburg, Erie County, New York. The Project Sponsor is proposing to use the Town of Hamburg's Cluster Development Law to develop the property. The result of the design is the preservation of approximately 103.8 acres (73% of the site) of land that will remain in its natural state as conservation land.

The proposed action involves the subdivision of a 37.6-acre parcel of land into 49, one-half acre lots for the construction of single-family detached homes. The subject parcel is vacant and is located on the south side of Taylor Road in the Town of Hamburg. The action includes construction of approximately 2,800 lf of new public roadway, water lines, sanitary sewer lines as well as other public utilities to serve the proposed dwellings. Two (2) stormwater detention basins are proposed on the project site for aesthetics and storm water attenuation.

1.3 Modifications to Project Resulting from Environmental Review Pursuant to SEQR

1.3.1 Summary of Project Modifications

In response to comments received from involved agencies on the DEIS, changes have been made to the project. The Preliminary Plat map included in the DEIS (Figure 2, Sheet 23 of 23) showed the proposed sublots with the stormwater detention basins under private ownership, with the rear portion of the site proposed as passive recreation land which would remain in ownership of the Project Sponsor.

During the review of the DEIS, the Town Engineering Department advised the Project Sponsor that the Town of Hamburg would not accept ownership of the proposed stormwater detention basins, nor could they be located on private property. Therefore, the project has been modified to place the stormwater detention basins, state and federal wetlands, conservation area and landfill into a homeowners association. The Project Sponsor has retained legal counsel to set up a homeowners association (HOA) which is required to be submitted for review and approval by the New York State Attorney General's office.

The subdivision area is broken down as follows:

Total Project Area	141.40 acres
Conservation/Association Lands	103.80 acres
Area of lots and public right-of-way	37.60 acres

1.4 Additional Environmental Investigation for Historic Disposal Site

The Town of Hamburg Planning Board retained Mr. Norman K. Wohlabaugh, PG, CPG of Environmental & Geologic Management Services, LLC (EGMS), to review the investigative work which was submitted with the DEIS. Mr. Wohlabaugh's analysis was submitted to the Town of Hamburg's Planning Consultant, Andrew C. Reilly, P.E., AICP on May 14, 2013.

After review of three previous environmental studies completed for the project, Mr. Wohlabaugh concluded that not all contamination migration pathways had been evaluated as part of those prior studies and "while the results of Empire's initial investigation did not find significant impacts to the environment, analytical results indicate that there are likely impacts from the former waste disposal area and could be characterized as a mildly contaminated site from former waste disposal activities." Therefore, it was recommended that more fieldwork be done including: test pitting, collection of groundwater samples for analysis, as well as surface water and sediment sampling in the swale and wetland with analysis and comparison to state standards. Methane gas sampling was also recommended from the groundwater monitoring if they are screened across the groundwater interface.

Mr. Wohlabaugh also noted that since the waste disposal area was an unregulated site that may have received waste other than municipal waste, it is unknown if environmental impacts would remain or become worse in the future. Mr. Wohlabaugh also concurred, as was recommended in the DEIS, that water sampling from the swale should take place.

A public hearing was held on the project by the Town of Hamburg Planning Board on May 15, 2013. Mr. Wohlabaugh presented his findings and recommendations, and the Project Sponsor, The Five Yovienes, LLC, authorized its consultant, Empire-Geo Services, Inc. and Mr. Wohlabaugh to mutually agree on a program that would satisfy the concerns raised by the Town of Hamburg Planning Board.

The following work program was agreed to by Mr. Wohlabaugh and Empire-Geo Services, Inc.

- Conduct test-pitting in areas where surface settlement in the disposal trenches has not occurred (i.e., localized “high spots”);
- Collect and analyze filtered surface water samples;
- Collect and analyze sediment samples; and
- Install groundwater monitoring wells to characterize groundwater flow and quality.

It was discussed during the public hearing and was determined by the Planning Board that methane gas sampling would be excluded from this program.

These recommendations formed the basis for the supplemental environmental data and information that were recently obtained and are summarized in Empire-Geo Services, Inc. report included in this document as Exhibit No. 1

Supplemental Environmental Investigative Tasks

During the months of May – June 2013, Empire-Geo Services, Inc., in accordance with the recommendations of Mr. Wohlabaugh, performed the following work:

- A. Test Pitting in “High Spots” in the Disposal Trenches – May 20, 2013
- B. Collect Filtered Surface Water Samples from the Swale – May 20, 2013
- C. Collect Sediment Samples from the Swale – May 20, 2013
- D. Install (and Sample) Groundwater Monitoring Wells – May 28-30; June 3-4, 2013

Based on the laboratory data for surface water, sediment, and groundwater samples collected for this supplemental environmental investigation, as well as laboratory data for soil and water samples obtained for several previous environmental studies conducted in, and around, the landfill, Empire-Geo Services, Inc. concludes that there is no indication of any significant environmental impairment associated with the historic disposal area.

However, filtered surface water samples did exceed state standards for manganese and iron. Specifically, Sample SWF-1 showed a 375% exceedance of the NYSDEC Division of Water Technical and Operational Guidance Series (TOGS) 1.1.1., “Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations” for manganese (1,427 ppb vs the TOGS of 300 ppb). Sample SWF-2 showed a 178% exceedance for iron (834 ppb vs TOGS of 300 ppb) and a 973% exceedance for manganese (3,219 ppb). Sample SWF-3 showed an 893% exceedance for iron (2,980 ppb) and a 164% exceedance for manganese (791.8 ppb).

Several exceedances of metals concentrations were also detected in the sediment samples. Specifically, in Sample SED-2, cadmium was detected at 6.2 ppm, or 148% of the NYSDEC 6NYCRR Part 375 Soil Cleanup Objective (SCO) of 2.5 ppm for residential use. Sample SED-3 exceeded the state SCO for arsenic by 12.5% (18 ppm vs an SCO of 16 ppm), for cadmium by

380% (12 ppm vs an SCO of 2.5 ppm), for copper by 52% (410 ppm vs an SCO of 270 ppm), and for mercury by 48% (1.2 ppm vs an SCO of 0.81 ppm).

1.5 EGMS General Conclusions and Recommendations

Mr. Wohlabough reviewed Empire's Report for Additional Environmental Investigation at the Historic Disposal Area and appeared before the Planning Board August 7, 2013 to discuss his preliminary review. On August 15, 2013, EGMS submitted a Final Report for the former Waste Disposal Area to the Planning Board. Based on soil, sediment, surface water and groundwater quality information collected and evaluated as part of the two Empire investigations suggests that currently, "there are likely no significant environmental impacts to the environment from past waste disposal activities." However, the occurrence of low concentrations of VOCs, SVOCs, PCBs, metals and cyanide in soil, sediment, surface water and groundwater, and, in some cases, slightly above state guidance values, does indicate low levels of contamination and from the former waste disposal site.

The analytical results from these investigations are a snap shot in time. Since the waste disposal area was unregulated, it is unknown what quantity of waste was received. In addition, it is unknown whether or not waste other than municipal waste was disposed of at this site. Thus, it is unknown whether or not environmental impacts will remain the same or will change in the future.

RECOMMENDATIONS

In addition to criteria provided to the Town by the NYSDEC, EGMS recommends the following steps are taken regarding the former waste disposal area in relationship to the Project Sponsor's proposal to construct a residential development adjacent to the former waste disposal area.

1. The former waste disposal area should be annotated on all drawings within the FEIS to apprise the community of its presence and precise location with respect to proposed development.
2. Signage is recommended around the entire perimeter of the former waste disposal area to apprise the community of its presence and precise location and should be of such a frequency as to alert community members potentially entering the area from all directions.
3. Annual inspection of the former waste disposal area to observe changes in surface water flow directions, the presence of unusual discolorations of surface soils, the integrity of groundwater monitoring wells, and the presence and condition of signage.
4. EGMS agrees with Empire's recommendation that ongoing environmental monitoring should be performed for a period of at least five years. An Environmental Monitoring Plan should be written and included with the FEIS that should outline the media to be sampled, the frequency of sampling, and the analytical methods. At a minimum, EGMS recommends the following:
 - Collection and analysis of sediment and surface water samples at the three locations already established on a semi-annual basis (spring and fall). Analysis for VOCs, SVOCs, pesticides, PCBs metals and Cyanide in the spring, and metals in the fall.
 - Collection and analysis of groundwater samples from the four groundwater monitoring wells on a semi-annual basis (spring and fall). Analysis for VOCs, SVOCs, pesticides, PCBs and metals in the spring, and metals in the fall.

- Collection of groundwater elevations from the site monitoring wells along with the construction of a water table map at semi-annual sampling events to ascertain groundwater flow direction.

Annual environmental monitoring results should be compared to applicable state guidance and to the previous year's results to evaluate potential changes in the number of analytes detected as well as concentrations of the analytes detected.

If there is an increase in the number and concentrations of analytes detected over time, then additional sampling frequency and investigative work should be considered. If there is no discernible change in sediment, surface water and groundwater quality over the next five year monitoring period, then termination of environmental monitoring may be considered, or a change in sampling frequency could be considered (i.e.: full suite of parameters as described above every two years).

2.0 REVISIONS/SUPPLEMENTS TO THE DEIS

The DEIS is incorporated by reference.

The following are the revisions to the DEIS based on comments received from involved agencies.

1. The subdivision plan included as Figure 1 is replaced by the attached plan.
2. In Section 2.3, Impact on Transportation, page 2-2; Taylor Road is an Erie County Highway (CR 468) and not a Town of Hamburg local street as was stated in the DEIS.
3. In Section 3.7, Visual Analysis, page 3-9, the wording in the DEIS stated that the current vista is "unique"; the intent was to state that the current vista is "not unique" or rare either in the project vicinity or on a regional scale.

The following are the supplements to the FEIS:

1. Final Report of Findings for the former Waste Disposal Area located at the proposed Willow Woods Subdivision; 6636 Taylor Road, Hamburg, NY, Prepared by EGMS, August 15, 2013.
2. Environmental Monitoring Plan, prepared by Empire Geo Services, Inc., August 19, 2013.

3.0 COMMENTS / RESPONSES

COMMENT There is an area on the site which was previously used for the disposal of municipal solid waste. Although this landfill was operated and closed before the NYSDEC Part 360 went into effect (August 23, 1977), the following comments/recommendations are offered for your consideration:

- If it is decided to remove the waste from the landfill for disposal off-site, a Landfill Reclamation Plan should be prepared in accordance with 6 NYCRR Part 360-2.18. This plan should be reviewed and approved by the DEC before any excavation of waste begins.
- If the landfill remains in place:
 - a. A buffer zone of 50' should be maintained around the landfill.
 - b. No construction or excavation should occur on the landfill or in the 50' buffer area.
 - c. A provision should be included in the property deed [for the parcel(s) that contain the landfill] indicating a landfill is located on the parcels) and that information regarding this landfill is available at the Town offices. This deed notification shall be filed with the Erie-County Clerk's Office.
 - d. Proposed buyers of lots in the subdivision should be notified that an old landfill was located on a parcel(s) within the subdivision and that further information is available in the Town offices.

SOURCE: David S. Denk, Regional Permit Administrator, New York State Department of Environmental Conservation, Division of Environmental Permits, Region 9 [May 9, 2013 letter, Review of DEIS for Willow Woods Subdivision, Town of Hamburg, Erie County, pg. 1]

RESPONSE: The Project Sponsor has considered and evaluated the complete removal of the landfill. The landfill occupies 5.9± acres and it has been determined to be cost prohibitive, therefore, the landfill will remain in place, and, accordingly, the Town of Hamburg agrees with the conditions a – d recommended by the NYSDEC and will require the Project Sponsor to comply. A deed notification will be recorded in the Erie County Clerk's Office indicating that the existing landfill will be located wholly on lands owned by the proposed homeowners association. A note will be added to the subdivision plat map identifying the existence of the landfill on the project site.

COMMENT The preliminary plat generally avoids New York State Regulated Freshwater Wetland HB-7 and its regulated adjacent area. It appears that there are some relatively minor impacts proposed to federal wetlands. The project sponsor should contact the United States Department of the Army, Corps of Engineers' (COE) Buffalo District Office concerning the federal permitting process. Some COE permits will also require Water Quality Certification from this Department.

SOURCE: David S. Denk, Regional Permit Administrator, New York State Department of Environmental Conservation, Division of Environmental Permits, Region 9 [May 9, 2013 letter, Review of DEIS for Willow Woods Subdivision, Town of Hamburg, Erie County, pg. 1]

RESPONSE: The Project Sponsor retained Wilson Environmental Technologies, Inc. (WET) to conduct a wetlands assessment (See DEIS Exhibit 8) of the project site and determined that the property contains both state and federal wetlands. New York State Freshwater wetland, HB-7 occupies about 22± acres; 4.3 acres of that total has been designated as federal wetland. No impacts are proposed to the state wetlands. A minor impact, less than one-tenth of an acre, is proposed for construction of the new road. The impact is permitted under the Federal Nationwide Permit (NWP) program. Wetland areas on the site will be protected conservation area under the proposed HOA.

COMMENT Division of Planning:

- A site plan with the proposed subdivision, landfill and proposed buffer should be provided
- There appears to be two lot 34, and no lot 33
- Stormwater retention ponds appear to be on private property within the conservation easement area. The Town of Hamburg Department of Public Works should be consulted regarding future maintenance of the stormwater system, particularly ensuring they have the ability to access the ponds.
- Will the developer retain ownership of the landfill section of the parcel? Is the suspected landfill included in the conservation easement?

SOURCE: Mark Rountree, Planner, County of Erie [May 23, 2013 letter, DEIS for Willow Woods/Yoviene Subdivision, Town of Hamburg, County Review #M617-13-236, pg. 1]

RESPONSE: An Overall Property Layout Plan (Site Plan) has been included in this FEIS. It shows all of the property owned and controlled by the Project Sponsor, the proposed lots, state and federal wetlands and the landfill. This exhibit also shows the proposed 50 ft. buffer around the landfill.

The lots numbers have been corrected on the subdivision map. They were incorrectly numbered.

The stormwater detention basins are no longer on private property but will be owned and maintained by an HOA.

COMMENT Environmental Compliance:

- Minor exceedances of NYSDEC criteria for residential construction for lead and cyanide was noted in two sample soil samples. The report states that the results were outliers and not significant. Depending upon the future ownership and use of the landfill portion of the property, an analysis of a duplicate sample from the same location may be recommended to determine if the results were actually outliers.
- Due to the shallow overburden soils on the site, radon resistant new construction techniques may be advisable for residences constructed within the subdivision.

SOURCE: Mark Rountree, Planner, County of Erie [May 23, 2013 letter, DEIS for Willow Woods/Yoviene Subdivision, Town of Hamburg, County Review #M617-13-236, pgs. 1 and 2]

RESPONSE: The Project Sponsor has engaged Empire-Geo Services, Inc. to conduct soil and groundwater sampling for a period of five years.

Due to shallow overburden soils on site, The Town of Hamburg will recommend that new radon resistant construction techniques be recommended for new home construction.

COMMENT This project is in ECSD #3 and the DSM has no comments until the project is formally submitted for the sanitary sewer approval.

SOURCE: Natalie Kernyczny, Principal Engineer Assistant, Erie County Division of Sewerage Management [May 22, 2013 email, RE: Willow Woods]

RESPONSE: Engineering plans were prepared for the project and have been submitted to DSM and the Erie County Health Department. Preliminary comments have been received and addressed and plans will be resubmitted to both agencies for approval. Final approval will not be granted by these agencies until the SEQR process has been concluded and Findings issued by the Lead Agency, the Town of Hamburg Planning Board.

COMMENT Section 2.3 Impacts on Transportation – Taylor Road is a County Highway not a Town of Hamburg Road.

Erie County Highway has to be included in the site plan review as Taylor Road is a County Road and County Highway Work permits will be required

SOURCE: Carl Dimmig, Senior Civil Engineer, Erie County Highway (DPW) [May 23, 2013 email, RE: Willow Woods]

RESPONSE: Taylor Road was inadvertently referred to a Town of Hamburg local road. It is an Erie County Highway (CR 468). Design Plans have been submitted to the Erie County Department of Public Works – Division of Highways for technical review and have been approved.

COMMENT 1. Correct on Page 3 - 9, Paragraph 3.7, the last sentence to read "the current vista is not unique or have..."

SOURCE: Drew Reilly, Planning Department [May 23, 2013 Memo to Hamburg Planning Board, Willow Woods DEIS]

RESPONSE: Section 3.7 of the DEIS discusses the visual analysis of the site. The DEIS inadvertently referred to the current vista as unique. The intent was to state that the vista is "not unique" or rare either in the project vicinity or on a regional scale.

COMMENT 2. The DEIS discusses the importance of protecting greenspace within the site, but does not provide enough information/recommendations on how to protect these areas on a long term basis.

- a. The conservation areas shown as part of the lots are owned by each individual lot owner. How will these areas be demarcated? Provide deed restriction/conservation area language to the Town, and any other techniques to ensure that they just don't become people's back yards.
- b. The conservation area to the "south", that includes the old landfill area, needs to have an ownership entity, for the short and long term. This area also requires a conservation easement/deed restriction. Will this area be accessible to the public, residents of the subdivision, etc...?

SOURCE: Drew Reilly, Planning Department [May 23, 2013 Memo to Hamburg Planning Board, Willow Woods DEIS]

RESPONSE: Due to this concern, the Project Sponsor has revised the plan to place the conservation lands, the state and federal wetlands, stormwater detention basins and the landfill into an HOA.

COMMENT 3. A plan must be provided for the sampling mitigation that is proposed for the site (who does, when will it occur, and who will report and sign-off on this sampling?).

SOURCE: Drew Reilly, Planning Department [May 23, 2013 Memo to Hamburg Planning Board, Willow Woods DEIS]

RESPONSE: The Project Sponsor has retained Empire-Geo Services, Inc. to conduct soil and groundwater sampling for a period of five years.

COMMENT 4. The site drawing has a note that lots 1, 2, and 49 will front on Taylor Road. Lots 2 and 49 should have their driveways onto the new subdivision road and not Taylor Road. The location of these driveways should be restricted and be located as far as possible from the intersection (show a sample plan illustrating this).

SOURCE: Drew Reilly, Planning Department [May 23, 2013 Memo to Hamburg Planning Board, Willow Woods DEIS]

RESPONSE: The Town of Hamburg will require the Project Sponsor to place the driveways for the homes on the two corner lots at Taylor Road on the new street to avoid unnecessary curb cuts on Taylor Road.

COMMENT 5. Taylor Road is referred to throughout the document as a Town of Hamburg Road; isn't it a County Road? If it is, we are awaiting comments from Erie County on its location and design.

SOURCE: Drew Reilly, Planning Department [May 23, 2013 Memo to Hamburg Planning Board, Willow Woods DEIS]

RESPONSE: Taylor Road is Erie County Highway (CR 468). Design plans have been reviewed and approved by the Erie County Department of Public Work – Division of Highways.

QUESTION How does the age of the landfill and the wastes it contains affect the risk it poses?

SOURCE: June 26, 2013, Questions from Town of Hamburg Planning Board Member Steve McCabe

RESPONSE: Hazardous wastes were not required by regulation to be separated from municipal garbage during the apparent period of operation of the disposal area (approx. 1951 – 1966). However multiple site investigation efforts during the past two years, including laboratory analysis of soil and water samples, have not indicated evidence of significant environmental impacts. In addition, subsurface conditions observed in 19 test pits and 8 test borings within the disposal area indicated relatively homogeneous materials consisting of municipal garbage.

LCS
April 2012

- 5 soil borings and 1 groundwater monitoring well
- lab analysis of 5 soil samples and 1 groundwater samples

Empire GeoServices
July – December 2012

- 9 test pits just northeast of the disposal area
- 5 test pits centered within the disposal area
- 14 test pits to define limits of waste
- 8 test borings throughout the disposal area
- lab analysis of 10 soil samples
- lab analysis of 3 surface water samples

Empire GeoServices
Supplemental Investigation
May 2013

- 4 test pits at “high spots” in disposal trenches
- 4 test borings with groundwater monitoring wells installed
- lab analysis of 4 groundwater samples
- lab analysis of 3 sediment samples
- lab analysis of 3 filtered surface water samples

QUESTION Was any evidence found of professional engineering of the landfill?

SOURCE: June 26, 2013, Questions from Town of Hamburg Planning Board Member Steve McCabe

RESPONSE: The swale at the disposal area's north end appears to have been constructed to direct surface water away from the area. Although no evidence of an engineered cap or liner was found, the native silty clay soils and shale bedrock have relatively low permeability, thereby minimizing surface water infiltration and groundwater flow rates.

QUESTION How many groundwater monitoring wells would be needed to accurately determine the direction of groundwater flow?

SOURCE: June 26, 2013, Questions from Town of Hamburg Planning Board Member Steve McCabe

RESPONSE: Three points is the minimum required to define a plane representing the attitude of the groundwater table, with the flow direction inferred to be toward the lowest point. Four monitoring wells were installed in May 2013, in addition to the one installed in April 2012.

QUESTION Why were groundwater monitoring wells not installed as part of the DEIS?

SOURCE: June 26, 2013, Questions from Town of Hamburg Planning Board Member Steve McCabe

RESPONSE: Due to the difficult site logistics for drilling and installing groundwater monitoring wells in this remote wooded area with shallow bedrock, a phased approach was implemented to investigate multiple environmental media. Shallower media (i.e., soil/waste and surface water) were initially sampled and tested to look for adverse environmental impacts, with the intent to sample and test groundwater if warranted based on the initial results. In addition, the 10 soil samples for lab analysis obtained via the test pits and test borings located within waste trenches were each collected at the waste/soil interface, which is the most likely place for contaminants, if any, to be found. Although these initial results did not indicate significant adverse environmental impacts, groundwater samples were collected from four monitoring wells installed as part of the supplemental investigation.

QUESTION Is the number of soil samples collected as part of the DEIS adequate?

SOURCE: June 26, 2013, Questions from Town of Hamburg Planning Board Member Steve McCabe

RESPONSE: Although the total area is 5.9 acres, the actual cumulative area of waste disposal in the trenches is approximately 3.0 – 3.6 acres, assuming the average trench length is 570 feet, there are 23 trenches, and the average trench width is 10 – 12 feet.

Recent site investigations included:

- 5 test pits centered within the disposal area
- 14 test pits to define limits of waste
- 8 test borings throughout the disposal area

for a total of 27 subsurface investigation points. Subsurface conditions at these locations within the disposal area indicated relatively homogeneous materials consisting of municipal garbage. Therefore lab analysis of 10 soil samples is considered adequate since the actual cumulative disposal area is approximately 3.0 – 3.6 acres and because of the observed homogeneity of the waste in the 27 subsurface investigation points. The relative consistency of the lab results for the 10 soil samples is additional evidence of the homogeneity of the waste throughout the disposal area and further supports the adequacy of the 10 samples.

QUESTION Is the number of surface water samples collected as part of the DEIS adequate?

SOURCE: June 26, 2013, Questions from Town of Hamburg Planning Board Member Steve McCabe

RESPONSE: The swale at the north end of the disposal area directs surface water away from the area in a northwesterly direction. Actual cumulative disposal area is approximately 3.0 – 3.6 acres. The elevation of the bottom of the swale is several feet lower than the ground surface of the disposal area. Therefore the swale is the most likely place to detect contaminants, if present, and the three surface water samples are considered adequate.

QUESTION Would buffering of the landfill site from the proposed 49 homes be effective at limiting access to it?

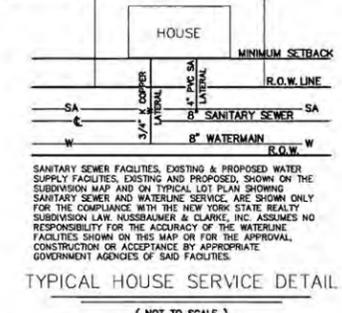
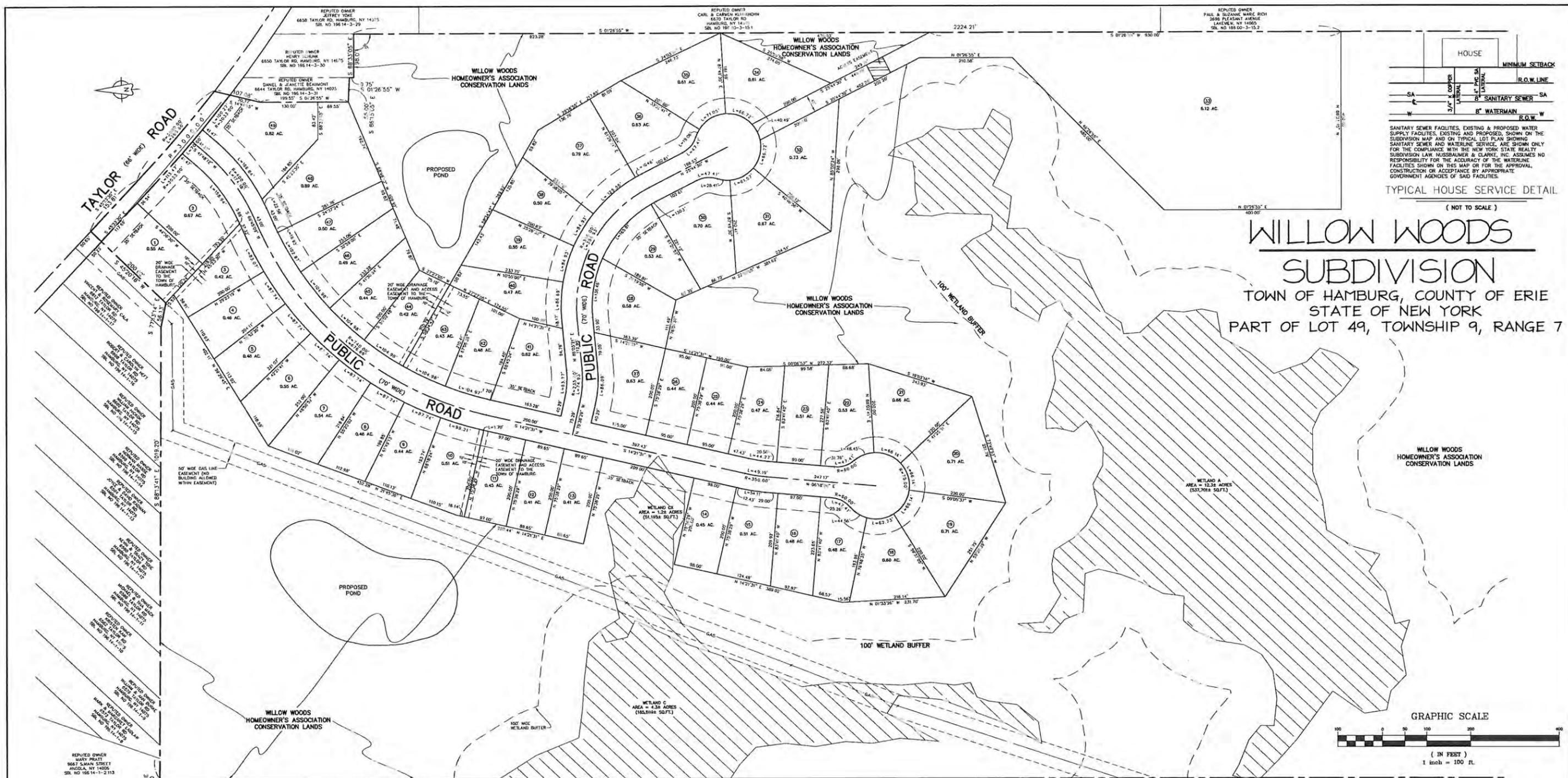
SOURCE: June 26, 2013, Questions from Town of Hamburg Planning Board Member Steve McCabe

RESPONSE: The NYSDEC has commented that if the landfill is not removed from the project site that a 50 ft. buffer should be placed around it. The Project Sponsor will not be removing the 5.9 acre landfill and has designated the 50 ft. buffer in plan. The closest proposed home will be about 400 to 500 ft. from the landfill site on Lot 33. Deed restriction and a notation on the subdivision map will make residents aware of the landfill. Also, informational signs could be placed around the perimeter of the disposal area.

FIGURES

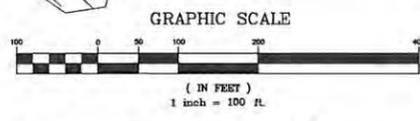
FIGURE 1: PROPOSED SUBDIVISION

FIGURE 2: OVERALL PROPERTY LAYOUT PLAN

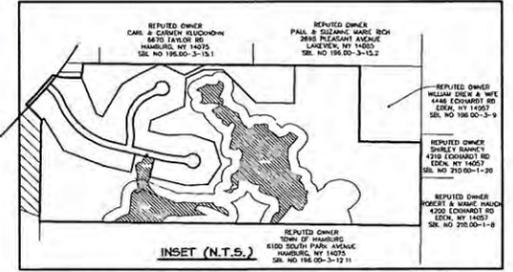


WILLOW WOODS SUBDIVISION

TOWN OF HAMBURG, COUNTY OF ERIE
STATE OF NEW YORK
PART OF LOT 49, TOWNSHIP 9, RANGE 7



PROPOSED WILLOW WOODS SUBDIVISION
CLUSTER DESIGN
Applicant: THE FIVE YOVIENE, LLC
Mr. James Yoviene
Town of Hamburg, New York



DETENTION BASIN NOTE:
STORM WATER DETENTION PONDS:
MOWING, GRADING, DREDGING, SEEDING, OR OTHER WORK REQUIRED FOR THE MAINTENANCE PURPOSES OF THE STORM WATER DETENTION PONDS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE TOWN SHALL MAINTAIN ONLY THE DRAINAGE PIPING AND ASSOCIATED STRUCTURES.

NOTES:
1. DRAINAGE AND ACCESS EASEMENT - AREA TO BE MAINTAINED BY THE PROPERTY OWNER. EASEMENT AREA NOT TO BE FENCED WITHOUT THE PERMISSION OF THE TOWN OF HAMBURG ENGINEERING DEPARTMENT.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS ENGINEERING DRAWING IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

NUSSBAUMER & CLARKE, INC.
A CORPORATION REGISTERED TO PRACTICE PROFESSIONAL ENGINEERING & LAND SURVEYING IN THE STATE OF NEW YORK.
CERTIFICATE NO. _____

REVISIONS			
NO.	BY	DATE	COMMENT
1	VBS	1-30-11	REVISED WETLANDS AND REVISED SUBDIVISION NAME
2	KRA	11-23-12	REVISED LOTS
3	KRA	07-12-13	REVISED LOTS

DESIGNED BY: AHG	CHECKED BY:
DRAWN BY: AHG/KRA	CHECKED BY: AHG
DATE: 10/07/11	SCALE: 1"=100'
JOB NO. 10.J5-0032	
DRAWING NO. 10.J5-0032-PRELIMINARY PLAT 1	

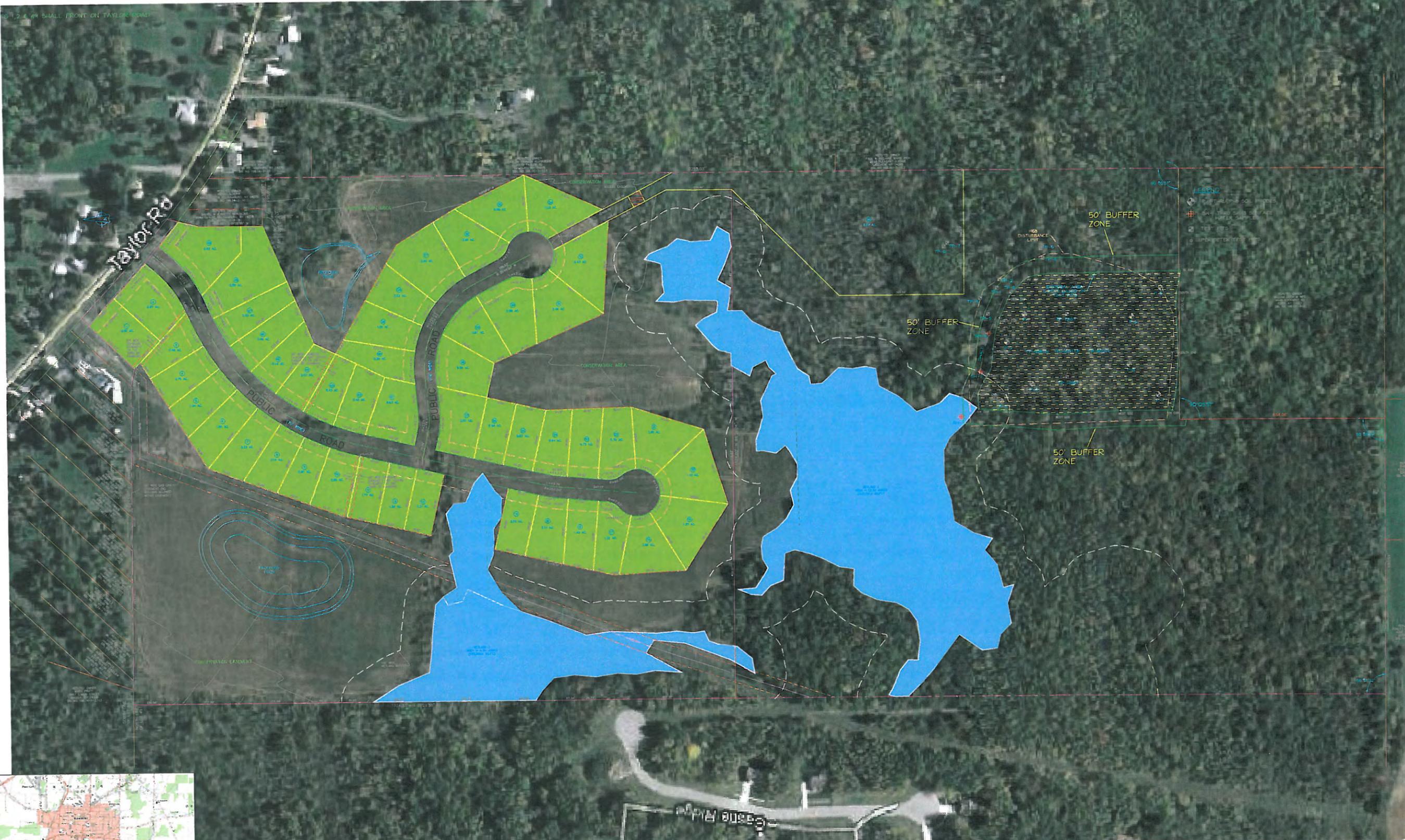


WILLOW WOODS SUBDIVISION		25
MR. JAMES YOVIENE THE FIVE YOVIENE'S, LLC		
PRELIMINARY PLAT		
		23

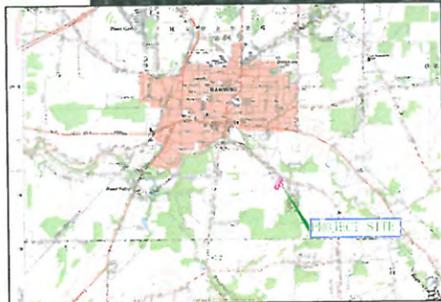
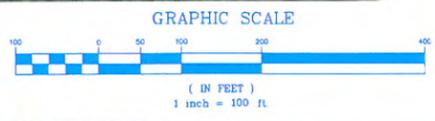
BEFORE YOU DIG, DRILL OR BLAST IN WESTERN OR CENTRAL NEW YORK, CALL DIG SAFELY NEW YORK 1-800-662-7962.



NOTE: LOTS 1, 2 & 49 SHALL FRONT ON TAYLOR ROAD



- LEB3D
- EXISTING PHOTOS
- EXISTING SURVEY DATA
- TEST PITS
- SUPERSTOCK TEST PITS



UNAUTHORIZED ALTERATION OR ADDITION TO THIS ENGINEERING DRAWING IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

NUSSBAUMER & CLARKE, INC.
A CORPORATION REGISTERED TO PRACTICE PROFESSIONAL ENGINEERING & LAND SURVEYING IN THE STATE OF NEW YORK.
CERTIFICATE NO. _____

REVISIONS				
NO.	BY	DATE	REVISIONS	COMMENT
1	VBS	1-30-11	REVISED WETLANDS AND REVISED SUBDIVISION NAME	
2	KRA	11-28-12	REVISED LOTS	
3	AHG	07-18-13	REVISED LOTS	

DESIGNED BY: AHG	CHECKED BY:
DRAWN BY: AHG/KRA	CHECKED BY: AHG
DATE: 10/07/11	SCALE: 1"=100'
JOB NO: 10J5-0032	
DRAWING NO: 10J5-0032-OVERALL DRAWING	



WILLOW WOODS SUBDIVISION
MR. JAMES YOVIENE
THE FIVE YOVIENE'S, LLC
OVERALL PROPERTY LAYOUT

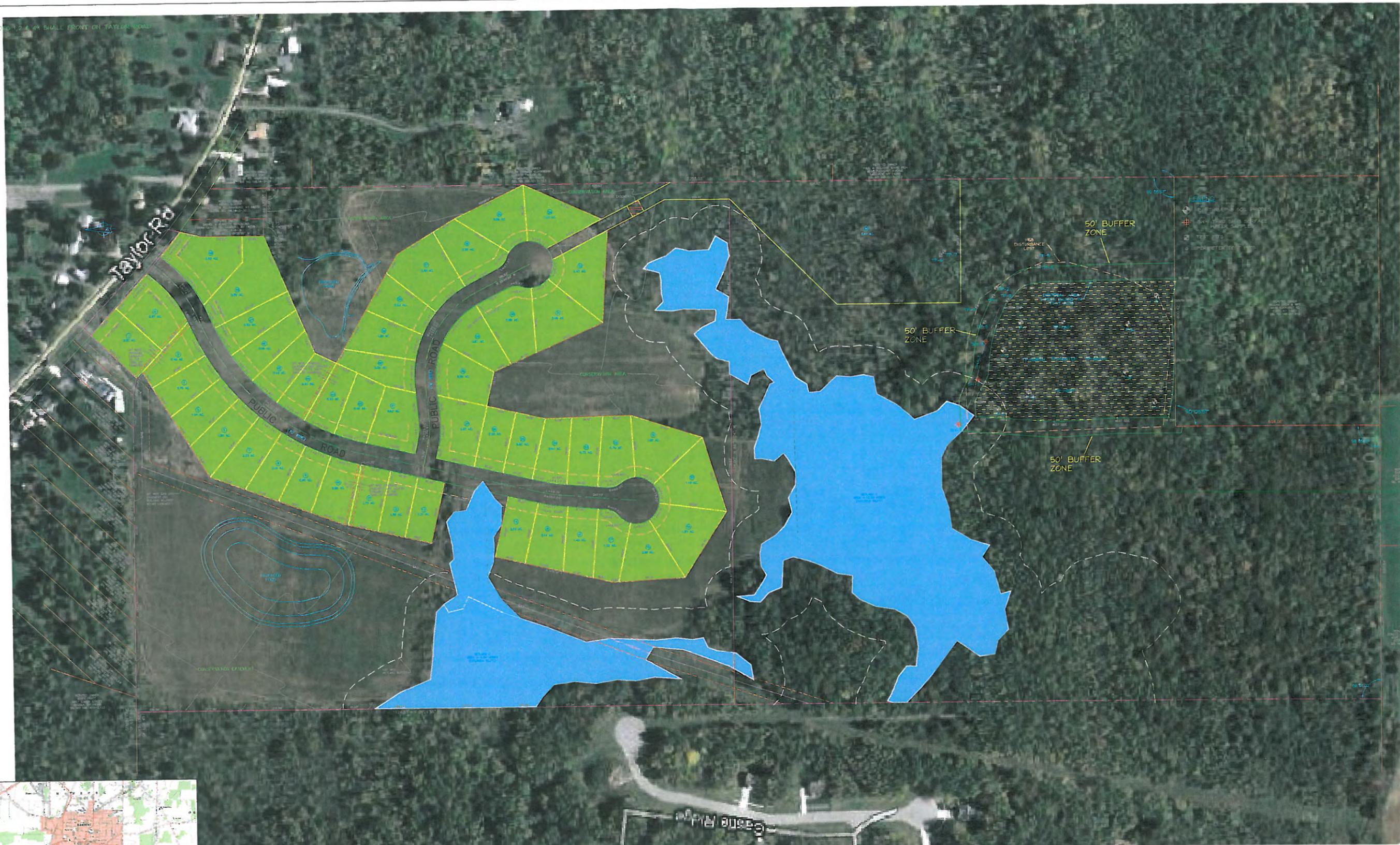
SHEET NO. **1**
OF **1**

BEFORE YOU DIG, DRILL OR BLAST IN WESTERN OR CENTRAL NEW YORK, CALL DIG SAFELY NEW YORK 1-800-662-7462

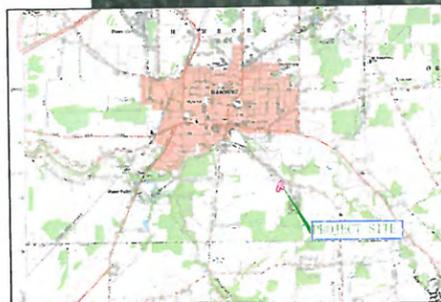
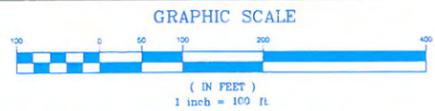


Nussbaumer & Clarke, Inc. 1000...
 5/2/2013

NOTE: LOTS 1, 2 & 49 SHALL FRONT ON TAYLOR ROAD



- LEGEND
- DISTURBED SOIL PERMITS
 - CONTRACTOR'S STAKE WATER SUPPLY
 - TEST PITS
 - SUPERFICIAL TEST PITS



LOCATION MAP

UNAUTHORIZED ALTERATION OR ADDITION TO THIS ENGINEERING DRAWING IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

NUSSBAUMER & CLARKE, INC.
A CORPORATION REGISTERED TO PRACTICE PROFESSIONAL ENGINEERING & LAND SURVEYING IN THE STATE OF NEW YORK.
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REVISIONS				
NO.	BY	DATE	COMMENT	
1	VBS	1-30-11	REVISED WETLANDS AND REVISED SUBDIVISION NAME	
2	KRA	11-28-12	REVISED LOTS	
3	AHG	07-18-13	REVISED LOTS	

DESIGNED BY: AHG	CHECKED BY:
DRAWN BY: AHG/KRA	CHECKED BY: AHG
DATE: 10/07/11	SCALE: 1"=100'
JOB NO: 10J5-0032	
DRAWING NO: 10J5-0032-OVERALL DRAWING	



WILLOW WOODS SUBDIVISION
MR. JAMES YOVIENE
THE FIVE YOVIENE'S, LLC
OVERALL PROPERTY LAYOUT

SHEET NO. **1**
OF **1**

BEFORE YOU DIG, DRILL OR BLAST IN WESTERN OR CENTRAL NEW YORK, CALL DIG SAFELY NEW YORK 1-800-962-7462



EXHIBIT 1

**REPORT FOR ADDITIONAL ENVIRONMENTAL INVESTIGATION AT THE
HISTORIC DISPOSAL AREA
JULY 5, 2013**

By: Empire Geo Services, Inc.



SUPPLEMENTS TO THE FEIS

1. Final Report of Findings for the former Waste Disposal Area located at the proposed Willow Woods Subdivision; 6636 Taylor Road, Hamburg, NY, Prepared by EGMS, August 15, 2013.
2. Environmental Monitoring Plan, prepared by Empire Geo Services, Inc., August 19, 2013.

August 15, 2013

Mr. Andrew Reilly, P.E., AICP
Hamburg Town Planner
140 John James Audubon Parkway
Suite 201
Buffalo, New York 14228

RE: Final Report of Findings for the former Waste Disposal Area Located at the Proposed Willow Woods Subdivision; 6636 Taylor Road in Hamburg, New York

Mr. Reilly:

This report provides an overview of environmental investigative work that has been completed at 6636 Taylor Road to characterize site conditions associated with a former waste disposal area. The Willow Woods Subdivision is proposed for development at this location by the Five Yoviennes, LLC (the Project Sponsor). The proposed project involves the construction of a residential subdivision consisting of 49, one - half acre lots for single - family detached homes, associated roads and utilities. Two storm water detention basins are also proposed for aesthetics and storm water retention. 103.8 acres of the 141.4 acre parcel will remain in its natural state as conservation land.

ENVIRONMENTAL STUDIES

1994 – NFCS Study

NFCS collected two soil and two surface water samples in the “disturbed area” which was formerly a “dump area”. The samples were analyzed for leachable concentrations of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals and RCRA characteristics such as corrosivity, reactivity and ignitability. All laboratory results were at or below the method detection limits except for barium which was within regulatory limits.

2102 – Lender Consulting Services, Inc.

A limited and focused soil and groundwater investigation was completed by Lender Consulting Services, Inc consisting of five soil borings with a groundwater monitoring well installed at one of the five locations. The five borings were generally located to the north of the disposal area. Bedrock was encountered at shallow depths. Five soil samples and one groundwater sample were collected and analyzed for VOCs, SVOCs, metals, Cyanide, polychlorinated biphenyls (PCBs), pesticides and herbicides. Concentrations of detected analytes in soil samples were below 6 NYCRR Part 375 soil cleanup objectives (SCOs) for Unrestricted and/or residential site use except for barium which was detected above the

Residential Use SCO. All analyte concentrations in the groundwater sample were less than the NYSDEC Class GA Groundwater Criteria with the exception of Barium.

2012 - Empire – Geoservices Initial Investigations

As part of the Statement Environmental Quality Review Act (SEQR) process, the Project Sponsor retained Empire–Geoservices, Inc (Empire) to further characterize environmental conditions/impacts at the former waste disposal area. Empire used historic aerial photos to locate the former waste disposal area. Fifteen test pits were then excavated across the northern, eastern, southern and western boundaries of the former waste disposal area to define the limits of waste.

Eight soil borings and five test pits were then advanced or excavated within the waste disposal area, which encountered bedrock at depths of five to eight feet below ground surface (BGS). Therefore, waste is less than eight feet in thickness.

Nature of Residual Waste

Empire concluded from test pitting and drilling activities that the buried waste now consists of dark grey to red brown material including glass bottles, tin cans, newspaper, wood, metal and general garbage. In places, this material was brown to black in nature.

Potential Impacts to Soil

Ten subsurface soil/garbage samples from test pits and soil borings were analyzed for VOCs, SVOCs, PCBs, metals and cyanide. There were no VOCs that exceeded the Part 375 Soil Cleanup Objective (SCO) for Residential use. There were no SVOCs that exceeded the SCO for Residential site use. PCBs were detected at a number of locations, however they were detected at two locations with concentrations that exceeded the SCO for Unrestricted use but were well below the SCO for Residential site use.

Metals which occur naturally in soils were detected in all soil samples analyzed, but several exceeded the SCO for Residential site use or the supplemental soil cleanup objective (SSCO): Aluminum at nine of 10 locations; Arsenic at one of 10 locations; Calcium at five of 10 locations; and Iron at 10 of 10 locations. The concentration of arsenic exceeded the SCO for all site uses in Part 375 and the Eastern Background value. Aluminum, Calcium and Iron were detected at concentrations below their respective Eastern background values.

Potential Impacts to Surface Water

Empire collected three unfiltered surface water samples from the swale along the northern boundary of the former waste disposal area (two samples) and one sample was collected from the wetland area northwest of the disposal area downstream of the swale. The VOC acetone was detected in one sample below the groundwater standard; no SVOCs were detected; Cyanide was detected in two of the samples below the groundwater standard; and the metals

Aluminum (2), Cobalt (1), Iron (3), Lead (1), Manganese (2), and Zinc (3) exceeded their respective 703 groundwater standards.

Potential Impacts to Sediment and Groundwater

Empire did not collect sediment samples from the swale or wetland as part of this investigation. Empire also did not collect groundwater samples as part of this investigation.

Empire's Conclusions

Empire concluded that there were no significant environmental impacts from the former waste disposal area located at the project site from their investigation.

2013 - Environmental & Geologic Management Services, LLC Review of Empire's Findings

Environmental & Geologic Management Services, LLC (EGMS) was retained by the Town of Hamburg for third part review of Empire's findings. EGMS completed a site reconnaissance, reviewed Empire's work and came to the following conclusions.

Waste Disposal Practices and the Nature of Waste

Observations during the site reconnaissance completed on May 6th, 2013 and review of the test pit and boring logs from Empire's report showed that the residual waste consists of dark grey to red brown material with glass bottles, tin cans, newspaper, wood, metal and general garbage that is brown to black in places.

It appears from field observations that waste disposal apparently consisted of the excavation of generally north – south trenches. Waste was then placed in the excavated trench, and natural soil cover was then placed over the waste. Trenches appeared to be approximately 10 to 12 feet wide with a 12 to 15 foot undisturbed zone between each trench. The soil placed over the waste has settled so the trenches now appear as shallow depressions at the surface. It was noted in the field at one location that settlement had not occurred in area approximately 10 by 15 feet.

EGMS recommended that the trenches should be inspected along their entire lengths for areas where settlement has not occurred, which could be indicative of the disposal of material other than municipal waste. Areas where settlement has not occurred should be noted and should be test pitted to ascertain the nature of materials buried at these particular locations.

Potential Impacts to Soil

EGMS reviewed the soil analytical results from the Empire report and concluded that the soil quality had been generally characterized and recommended no additional work.

Potential Impacts to Surface Water

An inspection of the swale during the site reconnaissance showed the presence of orange staining in the swale similar to staining that is often seen associated with landfill leachate.

Three unfiltered surface water samples were collected by Empire. Unfiltered samples likely having sediment in suspension; thus, the concentrations of metals may not be representative of surface water. EGMS recommended the collection of another round of “*filtered*” surface water samples to analyze for metals for more representative sample results.

Potential Impacts to Sediment Associated with Surface Water

No sediment samples were collected from the swale or wetland as part of Empire’s investigation. EGMS recommended collection of sediment samples from the three locations when surface water is resampled. Further, analyze sediment samples for VOCs, SVOCs, pesticides/PCBS and metals plus cyanide for comparison to applicable standards.

Potential Impacts to Groundwater

No groundwater samples were collected as part of Empire’s investigation, so EGMS recommended installation of a sufficient number of groundwater monitoring wells to characterize groundwater quality. Installation of well screens across the groundwater interface was recommended. Groundwater samples should be analyzed for VOCs, SVOCs, pesticides, PCBs and metals.

EGMS Conclusions – Empire’s Initial Investigation

EGMS concluded that while the results of Empire’s initial investigation did not find significant impacts to the environment, analytical results indicate that there are likely impacts from the former waste disposal area and could be characterized as a mildly contaminated site from former waste disposal activities. EGMS recommended additional test pitting on high spots within the disposal trenches to evaluate whether or not they are the result of the disposal of different materials. EGMS also recommended resampling of surface water, collection of filtered samples and re-analysis for dissolved metals, as well as the collection and analysis of sediment samples in the swale/wetland. Last, EGMS recommended the installation of enough groundwater monitoring wells with collection and analysis of groundwater samples to characterize groundwater quality around the waste disposal area.

2013 - Empire-Geoservices Supplemental Environmental Investigation

Empire subsequently completed additional field investigation activities based on the recommendations made by EGMS which consisted of:

- Test pitting in areas where surface settlement in the disposal trenches had not occurred;

- Collection and analysis of filtered surface water samples;
- Collection and analysis of sediment samples at the three locations in the swale/wetland where the surface water samples were collected; and
- Installation of four groundwater monitoring wells along with collection and analysis of groundwater samples.

Test Pits at “High Spots”

Empire excavated four test pits at “high spots” at areas within the disposal trenches where the typical surface settlement had not occurred. Test pits were excavated to approximately six feet. Mostly native, undisturbed soils were encountered with one exception where a minor amount of waste was encountered. Empire concluded that the “high spots” may represent localized breaks in the disposal trenches that were likely used as bridges to allow movement of excavation equipment across the active trenches.

Collection and Analysis of Filtered Surface Water Samples

Three filtered surface water samples were collected and analyzed for Target Analyte List (TAL) Metals. Iron and manganese were detected at concentrations above the Technical and Operational Guidance Series (TOGS) 1.1.1 groundwater standards. Since the concentrations of metals were generally higher in proximity to the disposal area, it may be contributing to the concentrations of these metals in surface water. Empire further concluded that it appears that these impacts have not migrated a significant distance from the disposal area, and therefore does not consider these metals concentrations to represent significant environmental impairment.

Collection and Analysis of Sediment Samples from the Swale

Three sediment samples were collected from the same locations as the surface water samples and were analyzed for Target Compound List (TCL) VOCs, TCL SVOCs, TAL Metals plus Cyanide, and PCBs. According to the Empire report, no VOCs were detected in one sample; however, several VOCs were detected at concentrations below their respective SCO for Unrestricted Use in the other two samples. One SVOC was detected in one sample well below the SSCO for Residential Site Use. PCBs were detected in one of the sediment samples at concentrations below the SCO for Unrestricted Use and well below the Residential Standard.

Various metals were detected in the sediment samples since metals are major constituents in soils and sediment. Iron exceeded the Residential SCO in all three sediment samples but was within the Eastern USA Background Limits. Cadmium slightly exceeded the Residential SCO in two of the sediment samples; copper exceeded the Residential SCO in sample SED – 3 closest to the waste disposal area; arsenic exceeded the Residential SCO in sample SED – 3 closest to the waste disposal area; and Mercury slightly exceeded the Residential SCO in sample SED – 3 closest to the waste disposal area indicating the presence of mild environmental impacts from the former waste disposal area.

Monitoring Well Installation, Development, Sampling and Analysis

Four groundwater monitoring wells were installed around the perimeter of the waste disposal area to evaluate groundwater quality and groundwater flow direction. Depth to the water table was measured in each well and compared indicating that groundwater flow direction is to the west with monitoring well MW – 1 as the upgradient well; MW – 3 as the downgradient well; and, MW – 2 and MW – 4 as the sidegradient wells.

Four groundwater samples were collected and analyzed for Target Compound List (TCL) VOCs, TCL SVOCs, TAL Metals plus Cyanide, and PCBs. No VOCs were detected in three of the four monitoring well samples. However, five VOCs were detected at concentrations below their respective TOGS 1.1.1 standards at sidegradient well MW – 2 (sidegradient). Two different SVOCs were detected (in samples from two different wells) at concentrations below their respective TOGS 1.1.1 standards. NO PCBs were detected in any of the wells.

Three metals were detected in the groundwater samples at concentrations greater than the groundwater standards:

- Barium was detected in three of the four groundwater samples analyzed at concentrations that slightly exceeded the TOGS 1.1.1 standard;
- Sodium was detected in two of the four groundwater samples at concentrations that exceeded the TOGS 1.1.1 standard; and
- Magnesium was detected in one groundwater at a concentration that exceeded the groundwater standard.

Empire's Conclusions

Empire's conclusions from this phase of investigative activities were once again that environmental investigations of the former waste disposal area do not indicate significant environmental impairment associated with the historic disposal area.

GENERAL CONCLUSIONS

Operational information as well as soil, sediment, surface water and groundwater quality information collected and evaluated as part of the two Empire investigations suggests that at the present time, there are likely no significant environmental impacts to the environment from past waste disposal activities. However, the occurrence of low concentrations of VOCs, SVOCs, PCBs, metals and Cyanide in soil, sediment, surface water and groundwater, and in some cases, slight exceedances of state guidance values is indicative of the low levels of contamination and mild environmental impacts from former waste disposal activities at this location.

The analytical results from these investigations are a snap shot in time. Since the waste disposal area was unregulated, it is unknown what quantity of waste was received. In addition, it is unknown whether or not waste other than municipal waste was disposed of at this site. Thus, it is unknown whether or not environmental impacts will remain the same or will change in the future.

RECOMMENDATIONS

In addition to criteria provided to the Town by the NYSDEC, EGMS recommends the following steps are taken regarding the former waste disposal area in relationship to the Project Sponsor's proposal to construct a residential development adjacent to the former waste disposal area.

1. The former waste disposal area should be annotated on all drawings within the FEIS to apprise the community of its presence and precise location with respect to proposed development.
2. Signage is recommended around the entire perimeter of the former waste disposal area to apprise the community of its presence and precise location and should be of such a frequency as to alert community members potentially entering the area from all directions.
3. Annual inspection of the former waste disposal area to observe changes in surface water flow directions, the presence of unusual discolorations of surface soils, the integrity of groundwater monitoring wells, and the presence and condition of signage.
4. EGMS agrees with Empire's recommendation that ongoing environmental monitoring should be performed for a period of at least five years. An Environmental Monitoring Plan should be written and included with the FEIS that should outline the media to be sampled, the frequency of sampling, and the analytical methods. At a minimum, EGMS recommends the following:
 - Collection and analysis of sediment and surface water samples at the three locations already established on a semi-annual basis (spring and fall). Analysis for VOCs, SVOCs, pesticides, PCBs metals and Cyanide in the spring, and metals in the fall.
 - Collection and analysis of groundwater samples from the four groundwater monitoring wells on a semi-annual basis (spring and fall). Analysis for VOCs, SVOCs, pesticides, PCBs and metals in the spring, and metals in the fall.
 - Collection of groundwater elevations from the site monitoring wells along with the construction of a water table map at semi-annual sampling events to ascertain groundwater flow direction.

EGMS

Environmental & Geologic Management Services, LLC

15 Briar Hill Road

Orchard Park, New York 14127

(716) 445-2105

nwohlabough@verizon.net

Annual environmental monitoring results should be compared to applicable state guidance and to the previous year's results to evaluate potential changes in the number of analytes detected as well as the concentrations of the analytes detected.

If there is an increase in the number and concentrations of analytes detected through time, then additional sampling frequency and additional investigative work should be considered. If there is no discernible change in sediment, surface water and groundwater quality over the next five year monitoring period, then termination of environmental monitoring may be considered, or a change in the sampling frequency could be considered (i.e.: a full suite of parameters as described above every two years).

CLOSURE

This environmental review has been completed at the request of the Hamburg Town Board for the referenced site in accordance with accepted environmental practices. Please contact the undersigned if you have questions or need additional information.

Sincerely,

N K Wohlabough

Norman K. Wohlabough, PG, CPG
Geologist/Owner
EGMS

Environmental Monitoring Plan

Historic Disposal Site near the Proposed Willow Woods Housing Development

Introduction

This environmental monitoring plan presents the details for routine monitoring of selected environmental media in the area of the historic municipal garbage disposal site near the proposed Willow Woods housing development. This plan is based on comments to the draft environmental impact statement (DEIS) for the proposed development.

The purpose of environmental monitoring is to look for changes in concentrations of selected analytes that may indicate a release from the historic disposal area to one or more environmental media. Environmental monitoring mainly consists of periodic sampling and laboratory analysis of sediment, surface water, and groundwater.

Baseline Conditions and Sampling Locations

The recent data collected by Empire GeoServices, Inc. (Empire) during May – June, 2013 will be used as the baseline concentrations for comparison of future environmental monitoring data.

Surface water and sediment samples will be collected at the same three locations near the north end of the historic disposal area as the samples collected for Empire's May – June, 2013 study (Sed-1/SW-1, Sed-2/SW-2, and Sed-3/SW-3). Groundwater samples will be collected from the four groundwater monitoring wells installed and sampled by Empire during May – June, 2013.

Monitoring Frequency and Duration

Sediment, surface water, and groundwater samples will be collected on a semi-annual basis. Fieldwork for the spring monitoring event will be completed during April and the fall event will be completed during October.

Semi-annual monitoring will continue for a period of at least five years. If the laboratory data indicate concentration trends that are not statistically increasing after five years, then a decision will be made to either cease monitoring or to reduce the frequency to annual or bi-annual.

Laboratory Analyses

As per the DEIS comments, environmental samples collected during the spring monitoring event will be analyzed for the following parameters:

Target Compound List (TCL) Volatile Organic Compounds (VOCs) by EPA Method 8260;
TCL Semi-Volatile Organic Compounds (SVOCs) by EPA Method 8270;
Pesticides by EPA Method 8082;
Polychlorinated Biphenyls (PCBs) by EPA Method 8081;
Target Analyte List (TAL) Metals by EPA Method 6010; and
Cyanide by EPA Method 9010C.

Samples collected during the fall monitoring event will be analyzed for:

TAL Metals and
Cyanide.

Environmental Monitoring Field Parameters

Groundwater elevations will be measured on a semi-annual basis when the groundwater samples are collected. The groundwater elevations will be mapped and used to estimate the groundwater flow direction.

As per industry protocol, a minimum of three standing well volumes of groundwater will be purged from each well before the sample is collected. Purging in this manner helps to ensure that the groundwater sample is representative of the water-bearing unit.

All surface water and groundwater samples collected for metals analysis will be filtered in the field using a 45 micron filter to remove suspended soil particles. Therefore the lab results will give the concentrations of metals, if any, that are dissolved in the surface water or groundwater sample.

Reporting

A summary report will be prepared at completion of each semi-annual environmental monitoring event. The report will include field notes, a water table contour map indicating the estimated groundwater flow direction, a comparison of the laboratory data to previous data, and the laboratory analysis reports.

At completion of the fall event in the fifth monitoring year, a statistical trend analysis of the laboratory data will be completed. As indicated above, if the laboratory data indicate concentration trends that are not statistically increasing after five years, then a decision will be made to either cease monitoring or to reduce the frequency to annual or bi-annual.

AGENCY CORRESPONDENCE



MEMO

To: Hamburg Planning Board
From: Drew Reilly, Planning Department
Date: May 23, 2013
RE: Willow Woods DEIS

Based on our review of the DEIS dated March 2013 for the Willow Woods Subdivision Project, and the comments we have already heard, we offer the following additional comments to be addressed in the FEIS:

1. Correct on Page 3 – 9, Paragraph 3.7, the last sentence to read “the current vista is not unique or have...”
2. The DEIS discusses the importance of protecting greenspace within the site, but does not provide enough information/recommendations on how to protect these areas on a long term basis.
 - a. The conservation areas shown as part of the lots are owned by each individual lot owner. How will these areas be demarcated? Provide deed restriction/conservation area language to the Town, and any other techniques to ensure that they just don’t become people’s back yards.
 - b. The conservation area to the “south”, that includes the old landfill area, needs to have an ownership entity, for the short and long term. This area also requires a conservation easement/deed restriction. Will this area be accessible to the public, residents of the subdivision, etc...?
3. A plan must be provided for the sampling mitigation that is proposed for the site (who does, when will it occur, and who will report and sign-off on this sampling?).
4. The site drawing has a note that lots 1, 2, and 49 will front on Taylor Road. Lots 2 and 49 should have their driveways onto the new subdivision road and not Taylor Road. The location of these driveways should be restricted and be located as far as possible from the intersection (show a sample plan illustrating this).
5. Taylor Road is referred to throughout the document as a Town of Hamburg Road; isn’t it a County Road? If it is, we are awaiting comments from Erie County on its location and design.

In accordance with SEQR, the Lead Agency is responsible for the FEIS, but they can have it initially prepared by others. It is our understanding that the applicant will prepare the draft of the FEIS, which will be submitted to the Town Planning Board for review and, if necessary, revisions. When submitting this draft, the applicant will supply hard copies and a computer disk of the “word document”.

The Draft FEIS should include the requirements listed in Section 617.9 of the SEQR regulations; cover, TOC, incorporate DEIS by reference, revisions to the DEIS, copies or summary of comments received, proposed responses to the comments, and any required attachments.

Legal Notice

Town of Hamburg

Meeting – June 5, 2013

The Town of Hamburg Planning Board will meet for a Work Session at 6:30 P.M., followed by a Regular Meeting at 7:00 P.M. on Wednesday, June 5, 2013 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue, to discuss and/or approve the following:

WORK SESSION

1. Patricia DiChristopher – Requesting Preliminary Approval of a two-lot subdivision to be located on the north side of North Creek Road, west of Burke Road
2. Ralph Sardo – Requesting Sketch Plan Direction on a proposed restaurant to be located at 6638 Gowanda State Road
3. Nidus Development – Requesting Site Plan Approval of a medical office building and immediate care facility at 5793 South Park Avenue
4. Benderson Development – Requesting Planning Board approval of an amended comprehensive site plan for property located on the southwest corner of Southwestern Boulevard and McKinley Parkway for the construction of a 1,936 sq.ft. Tim Horton's with drive-thru

REGULAR MEETING

1. Shaw Properties, LLC – Requesting a rezoning of vacant land located north of 4819 South Park Avenue from C-1 to N-C
2. Dan Howard – Requesting Sketch Plan Direction on a proposed three-lot subdivision to be located on the northwest corner of Bayview Road and Big Tree Road
3. Joe's Auto Service (3756 Lakeview Road) – Requesting a Special Use Permit for a Towing & Recovery Impoundment Area as required by the Hamburg Police Department
4. Willow Woods Subdivision (Taylor Road) – Planning Board to discuss substantive comments on the submitted Draft Environmental Impact Statement (DEIS)
5. Sharma Development (2836 Pleasant Avenue) – Requesting Site Plan Approval of a proposed medical office complex

Peter Reszka, Chairman

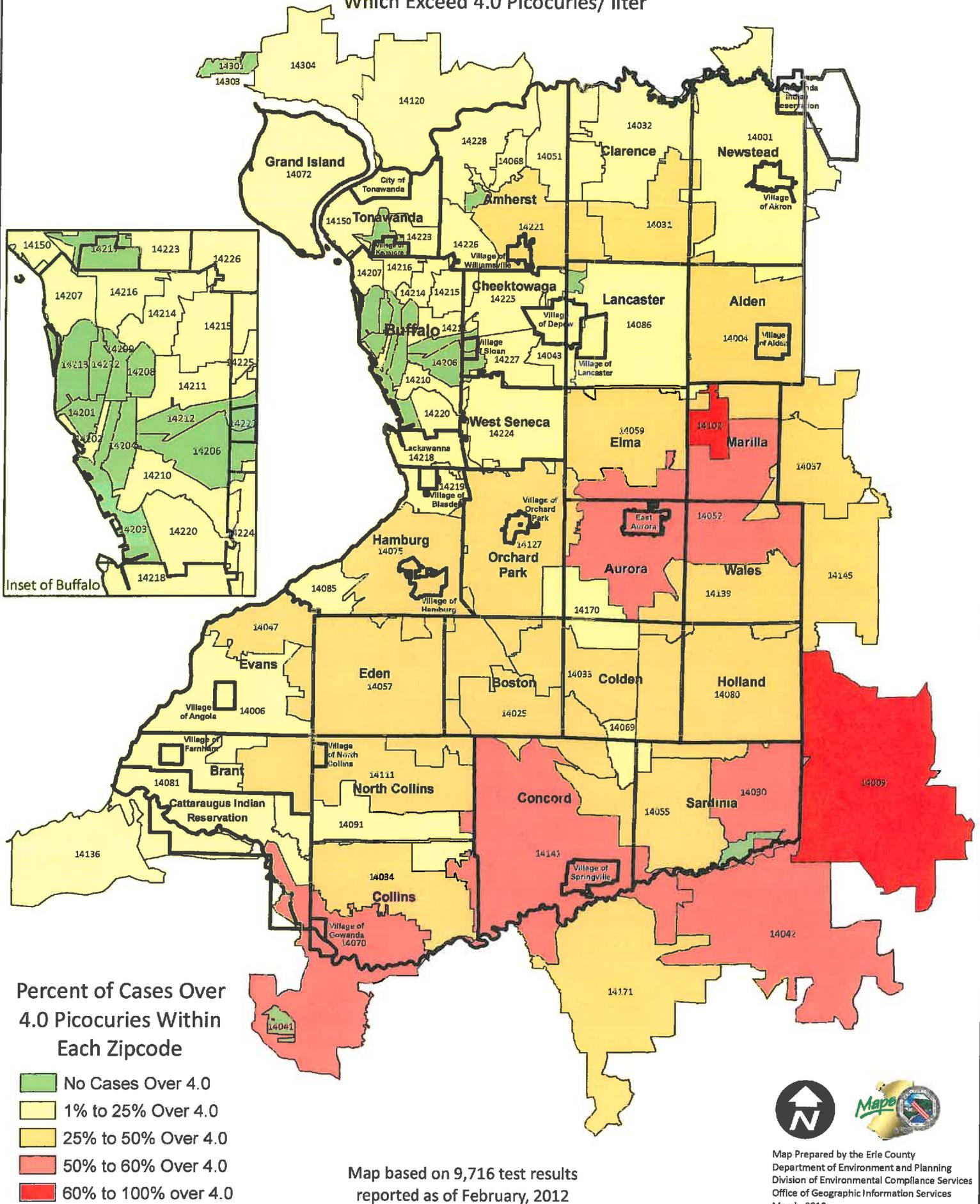
Stephen J. McCabe, Secretary

Planning Board

Dated: May 22, 2013

ERIE COUNTY RADON PROGRAM

Percent of Cases Within Each Zipcode
Which Exceed 4.0 Picocuries/ liter



New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York 14203-2915

Phone: (716) 851-7165 Fax: (716) 851-7168

Website: www.dec.ny.gov



Joe Martens
Commissioner

May 9, 2013

Ms. Sarah K. desJardins
Town of Hamburg Planning Department
S6100 South Park Avenue
Hamburg, New York 14075

Dear Ms. desJardins:

**REVIEW OF DEIS FOR
WILLOW WOODS SUBDIVISION
TOWN OF HAMBURG, ERIE COUNTY**

This office has completed a review of the Draft Environmental Impact Statement (DEIS) submitted for the Willow Woods Subdivision located at 6636 Taylor Road in the Town of Hamburg. The DEIS was well done and addresses a range of environmental concerns. The Department's comments are as follows:

1. The preliminary plat generally avoids New York State Regulated Freshwater Wetland HB-7 and its regulated adjacent area. It appears that there are some relatively minor impacts proposed to federal wetlands. The project sponsor should contact the United States Department of the Army, Corps of Engineers' (COE) Buffalo District Office concerning the federal permitting process. Some COE permits will also require Water Quality Certification from this Department.
2. There is an area on the site which was previously used for the disposal of municipal solid waste. Although this landfill was operated and closed before the NYSDEC Part 360 went into effect (August 23, 1977), the following comments/recommendations are offered for your consideration:
 - If it is decided to remove the waste from the landfill for disposal off-site, a Landfill Reclamation Plan should be prepared in accordance with 6 NYCRR Part 360-2.18. This plan should be reviewed and approved by the DEC before any excavation of waste begins.
 - If the landfill remains in place:
 - a. A buffer zone of 50' should be maintained around the landfill.
 - b. No construction or excavation should occur on the landfill or in the 50' buffer area.
 - c. A provision should be included in the property deed [for the parcel(s) that contain the landfill] indicating a landfill is located on the parcel(s) and that information regarding this landfill is available at the Town offices. This deed notification shall be filed with the Erie-County Clerk's Office.
 - d. Proposed buyers of lots in the subdivision should be notified that an old landfill was located on a parcel(s) within the subdivision and that further information is available in the Town offices.

Ms. Sarah K. desJardins
May 9, 2013
Page 2

We look forward to resolution of these few remaining comments and approval issues. If you have any questions, please contact me or Ms. Lynne Judd of this office at 716/851-7165.

Sincerely,

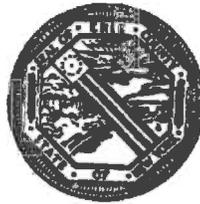
A handwritten signature in black ink, appearing to read "D. Denk", written in a cursive style.

David S. Denk
Regional Permit Administrator

LEJ:ldg

ecc: U.S. Department of the Army Corps of Engineers, Buffalo District Office

cc: The Five Yovienes, LLC
Mr. Robert Pidanick, Nussbaumer & Clarke, Inc. ✓



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 23, 2013

Ms. Sarah K. Desjardins
Planning Department
Town of Hamburg
6100 South Park Avenue,
Hamburg, NY 14075

Re: DEIS Willow Woods/ Yoviene Subdivision, Town of Hamburg, County Review #M617-13-236

Dear Ms. Desjardins:

Pursuant to New York General Municipal Law Section 239-m and Article 8 of the New York Environmental Conservation Law, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us on April 9, 2013.

The Department of Environment and Planning, Division of Planning and Division of Environmental Compliance would like to offer the following comments:

Division of Planning:

- A site plan with the proposed subdivision, landfill and proposed buffer should be provided
- There appears to be two lot 34, and no lot 33
- Stormwater retention ponds appear to be on private property within the conservation easement area. The Town of Hamburg Department of Public Works should be consulted regarding future maintenance of the stormwater system, particularly ensuring they have the ability to access the ponds.
- Will the developer retain ownership of the landfill section of the parcel? Is the suspected landfill included in the conservation easement?

Environmental Compliance:

- Minor exceedences of NYSDEC criteria for residential construction for lead and cyanide was noted in two sample soil samples. The report states that the results were outliers and not significant. Depending upon the future ownership and use of the landfill portion of the property, a analysis of a duplicate sample from the same location may be recommended to determine if the results were actually outliers.

Rountree, Mark

To: Dimmig, Carl
Subject: RE: Willow Woods

From: Dimmig, Carl
Sent: Thursday, May 23, 2013 1:24 PM
To: Rountree, Mark
Subject: RE: Willow Woods

Mark,

Section 2.3 Impacts on Transportation – Taylor Road is a County Highway not a Town of Hamburg Road.

Erie County Highway has to be included in the site plan review as Taylor Road is a County Road and County Highway Work permits will be required.

--

Carl Dimmig | Senior Civil Engineer
Erie County | Highways (DPW)
95 Franklin St., Room 1425 | Buffalo, NY 14202
P:(716) 858-8371 | F:(716) 858-8228
Carl.Dimmig@erie.gov | <http://www.erie.gov>

Rountree, Mark

To: Kernycznyj, Natalie
Subject: RE: Willow Woods

From: Kernycznyj, Natalie
Sent: Wednesday, May 22, 2013 9:39 AM
To: Rountree, Mark
Subject: RE: Willow Woods

Hi Mark,

Regarding the Willow Woods Subdivision, 6636 Taylor Road, Hamburg EIS:

This project is in ECSD #3 and the DSM has no comments until the project is formally submitted for the sanitary sewer approval.

Natalie

--
Natalie Kernycznyj | Principal Engineer Assistant
Erie County | Div. of Sewerage Management
95 Franklin St., Room 1050 | Buffalo, NY 14202
P:(716) 858-6974 | F:(716) 858-6257
Natalie.Kernycznyj@erie.gov | <http://www.erie.gov>

- Due to the shallow overburden soils on the site, radon resistant new construction techniques may be advisable for residences constructed within the subdivision.

Please see attached comments from Erie County Division of Highways and Erie County Division of Sewers Management.

This review pertains to the above-referenced DEIS submitted to the Erie County Department of Environment and Planning. This should not be considered sufficient for any County approvals. The Town must still obtain any other permits and regulatory approvals applicable to this project.

Please feel free to contact me at 716-858-8008 if you have any questions.

Sincerely,



Mark Rountree
Planner

cc: Thomas Dearing

Questions re Willow Woods DEIS

How does the age of the landfill and the wastes it contains affect the risk it poses?

The DEIS states the landfill was in operation from 1951 through 1966 and accepting municipal garbage. Since hazardous wastes were not segregated from municipal garbage prior to the early 1970s, what would have prevented hazardous wastes, such as solvents from local dry cleaners, waste oil and solvents from automotive repair and machine shops, wastes from local manufacturing companies, and household pesticides, from being dumped in the landfill during the time it was active?

Many substances common during the 1950s and 1960s were banned or regulated closely starting in the early 1970s. For example, lead paint was in common use; PCBs were widely used in household and industrial electrical components; DDT, dieldrin, chlordane and other pesticides were sold to the household consumer; and mercury was widely used in thermometers and meters. Is municipal garbage from the 1950s and 1960s therefore more hazardous than garbage found in a modern landfill?

Was any evidence found of professional engineering of the landfill?

Did the DEIS investigation confirm the speculation that the landfill was never professionally engineered? Was any evidence of a liner found? Any evidence of impermeable material brought on site to be used as a cap? Any evidence of any effort made to exclude surface water or groundwater from flowing through it?

How many groundwater monitoring wells would be needed to accurately determine the direction of groundwater flow?

To date, only one well has been installed at the site. Can one well indicate groundwater flow direction?

Why were groundwater monitoring wells not installed as part of the DEIS?

Section 5.1 of the DEIS states, "Based on the results of three separate studies done by three separate consultants, no additional monitoring wells [are] recommended in the dumpsite area." This statement contradicts the findings of LCS, Inc. That consultant's *Limited and Focused Subsurface Soil and Groundwater Investigation Report* published last year concluded with the following specific recommendation:

"LCS recommends the installation of bedrock monitoring wells so groundwater can be accessed and sampled for chemical impact that could potentially migrate through fractures within the bedrock and toward the planned residential development."

This recommendation was not followed by Nussbaumer and Clarke in the DEIS. Why not?

Is the number of soil samples collected as part of the DEIS adequate?

A total of 10 soil samples were collected from the 5.9-acre landfill. Is this number of samples adequate to characterize the contents of the landfill?

Is the number of surface water samples collected as part of the DEIS adequate?

A total of 3 surface water samples were collected from near the 5.9-acre landfill. Is this number of samples adequate to determine whether the contents of the landfill are impacting surface waters flowing downgradient from the landfill?

Would buffering of the landfill site from the proposed 49 homes be effective at limiting access to it?

The DEIS discusses buffering of the landfill site from the proposed 49 homes. While buffering is often needed to limit impacts from noise, odors, or light, or maintain the view, noise, odors, light emissions, or the viewshed are not the issue. Access to the landfill site is the issue. Given that the proposed action will bring residents of 49 homes in close proximity to the landfill, would fencing and/or warning signs be advisable to limit access, especially by children and residents, to the landfill and the tributary flowing NW from it into the wetland?

Town of Hamburg
Planning Board Meeting
May 1, 2013
Minutes

The Town of Hamburg Planning Board met for a Work Session at 6:30 P.M., followed by a Regular Meeting at 7:00 P.M. on Wednesday, May 1, 2013 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Stephen McCabe, David Bellissimo, Doug Schawel, August Geraci, Sasha Yerkovich and Dan O'Connell.

Others in attendance included Andrew Reilly, Planning Consultant and Richard Lardo, Assistant Municipal Engineer.

WORK SESSION

Shaw Properties, LLC

Mr. Larry Best, applicant, stated that he is a developer, builder and operator of apartment buildings, self-storage businesses, restaurants, etc. He further stated that he plans to purchase this property on South Park Avenue north of Bayview Road, and is requesting that it be rezoned from commercial to Neighborhood Commercial in order to construct an apartment building. He presented a preliminary overview of the proposed layout, which includes a two-story building housing 48 apartments.

Mr. Reilly stated that because the Town Board must make a SEQRA determination at the time of the rezoning decision, it must consider both the rezoning request and the subsequent development of the site.

Mr. Reilly stated that a concern that has been raised concerns the traffic in this area. He noted that Jerry Giglio, Traffic Safety Advisory Board Chairman, has indicated that the New York State Department of Transportation (NYSDOT) has plans to change South Park Avenue in this area to three (3) lanes, which would affect this development.

In response to a question from Mr. Reilly, Mr. Best stated that he does not know if the owner of the adjacent property to the south would be willing to sell him some land or grant him an easement for access to Bayview Road instead of South Park Avenue. He further agreed to have that discussion with the adjacent property owner.

Board members agreed that traffic on South Park Avenue in this area, especially at rush hour, is very heavy and having access to Bayview Road instead of South Park Avenue would be much safer for the apartment dwellers.

It was determined that the Planning Board will require a more detailed site plan and a full Environmental Assessment Form.

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to table this project.

Carried.

Dan Howard Subdivision

Andrew Gow from Nussbaumer & Clarke appeared on behalf of the property owner, Dan Howard. He noted that a three-lot minor subdivision is proposed on the corner of Big Tree Road and Bayview Road in an R-2 zoning district. He further stated that all lots would be zoning compliant.

Mr. Reilly stated that because a fourth building lot would remain vacant at this time, the applicant would have to show the Board either the location of a home on it or it would have to be labeled "not a building lot".

Mr. Reilly stated that the Hamburg Police Department will be providing the Board with the accident history of the intersection of Bayview Road and Big Tree Road by the Board's next meeting.

Mr. Geraci stated that traffic is a big problem in this area.

It was determined that some level of traffic analysis (site distances, stopping distances, etc.) must be submitted by the applicant.

Mr. Bellissimo made a motion, seconded by Mrs. Yerkovich, to table this project.
Carried.

Engineering comments have been filed with the Planning Department.

Public Hearing - Willow Woods Subdivision DEIS

Mr. McCabe read the following notice of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on Wednesday, May 1, 2013 at 7:00pm in Room 7B of Hamburg Town Hall to allow public comment on the draft Environmental Impact Statement (DEIS) submitted for the proposed Willow Woods Subdivision to be located on the south side of Taylor Road, west of Vail Drive, Town of Hamburg. Comments on the DEIS will be accepted through May 15, 2013 and can be submitted to Sarah K. desJardins, Town of Hamburg Planning Department, S6100 South Park Avenue, Hamburg, New York, 14075. A copy of the DEIS is on file in 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 project will be taken at this meeting."

Mr. Reilly stated that all comments received on this document will be reviewed by the Planning Board to determine what should be addressed in the Final Environmental Impact Statement (FEIS).

Mr. Reilly stated that the Chairman of the Town of Hamburg Conservation Advisory Board, Doug Nichols, indicated that his Board applauds Nussbaumer & Clarke for the effort put in to the DEIS for this project and is satisfied with the information submitted.

Rob Pidanick from Nussbaumer & Clarke, representing the applicant, stated that the subject parcel is 141 acres in size and a cluster subdivision is proposed with 49 lots. He noted that the biggest concern expressed about this project is the existence of a landfill on the property, and the Planning Board has requested additional information about its makeup and what was actually buried there. He stated that three (3) separate studies on the landfill have been completed, the results of which are documented in the DEIS.

Mr. Pidanick stated that the latest study done on the landfill by SJB Associates included test pits and soil borings to determine its precise limits. He further stated that this study revealed that only garbage is buried in the landfill and that there will be no adverse impact as a result of this landfill being there.

Mr. Pidanick stated that a type of Homeowners' Association (HOA) will have to be created to maintain the detention ponds, and the landfill would become part of that HOA.

Chairman Reszka declared the public hearing open. No one spoke.

Chairman Reszka declared the public hearing closed.

It was determined that no written comments have been received on the DEIS.

Dave Steiner from SJB Associates stated that his opinion is that the chances are very slim that anything in the landfill would migrate the 800 feet to where the subdivision will be built.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to table this project. Carried. Engineering comments have been filed with the Planning Department.

Public Hearing – Sharma Development

Mr. McCabe read the following notice of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Sharma Development, LLC. The applicant proposes to construct a medical office complex on vacant land located on the northwest corner of Southwestern Boulevard and Pleasant Avenue. The Public Hearing will be held on May 1, 2013 at 7:00 p.m. in Room 7B of Hamburg Town Hall."

Attorney Sean Hopkins, representing the applicant, stated that 4.9 acres of federal and state wetlands exist on this site. He further stated that based upon discussions with Wilson Environmental Technologies, the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Army Corps of Engineers, the project layout was revised so that all of the buildings and parking areas have been pulled out of the wetland areas. He noted that the applicant will still need a permit from the NYSDEC for any activity in the 100-foot adjacent area.

Attorney Hopkins stated that this site is not located in a sewer district, and the applicant is proposing that the project be serviced through a private line that would connect to the

adjacent subdivision (Coachman's Lane). He further stated that a request was submitted to the Town Board in April to grant an easement for an underground sewer line to run under Town-owned park-land between the project site and Coachman's Lane. He noted that the granting of this easement constitutes alienation and requires New York State Legislature approval.

In response to a question from Mr. Reilly, Attorney Hopkins stated that a traffic study has been completed. Mr. Reilly responded that the Traffic Safety Advisory Board (TSAB) is attempting to work with the New York State Department of Transportation (NYSDOT) to signalize the intersection of Southwestern Boulevard and Pleasant Avenue.

Mr. Reilly stated that Hamburg Police Department is working on providing the Planning Board with the accident history of the intersection of Southwestern Boulevard and Pleasant Avenue.

Mr. Reilly stated that the site plan needs more engineering detail.

In response to a question from Chairman Reszka, Attorney Hopkins stated that he would not want to agree to a condition that only medical uses will be allowed in this development. He noted that the goal is to only have medical uses there, but given the fact that the property is zoned C-2 the applicant would not want to restrict the uses at this point.

Mr. Reilly stated that the Planning Board could approve this as a medical project, and in the future if the applicant wishes to do something in the development that is not medically related, he would have to return to the Planning Board for review and approval of the proposed use.

Attorney Hopkins asked if the project could be approved as "office" use. Board members agreed that they would consider that possibility.

Chairman Reszka declared the public hearing open. The following people spoke:

- William Woch, Pleasant Avenue, stated that he is not opposed to the project, but is concerned about emergency vehicles going in and out of the facility. He is also concerned about the traffic at the intersection of Southwestern Boulevard and Pleasant Avenue, noting that it is worse in the winter months. He stated that he cannot see this project being approved unless a traffic signal is installed at the intersection or the configuration of the intersection is altered.

Chairman Reszka declared the public hearing closed.

Attorney Hopkins stated that this project is in the Southwestern Boulevard Overlay District, and therefore the 50-foot setback requirement along Southwestern Boulevard will be required. He further noted that snow will not be plowed up to the edge of the road. He stated that the submitted site plan reflects input received from both Erie County and NYSDOT, and the submitted traffic study does demonstrate that this project would be acceptable in terms of traffic impacts.

Mr. Reilly stated that NYSDOT controls the intersection.

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to table this project.
Carried.

Engineering Department comments have been filed with the Planning Department.

Joe's Auto Service (3756 Lakeview Road)

Mr. Reilly stated that the applicant was not in attendance. He further stated that the applicant submitted a letter indicating what he does at the site, and it includes many activities besides towing and storing vehicles for the Hamburg Police Department. He asked the Board to table this item for further review of the activities at this site.

Board members agreed that the applicant needs to attend the next Planning Board meeting.

Mrs. Yerkovich made a motion, seconded by Mr. McCabe, to table this item. Carried.

Engineering Department comments have been filed with the Planning Department.

Armor InnTap Room Parking Lot (5365 Abbott Road)

It was determined that revised site plans have not been submitted by the applicant for this project.

Chairman Reszka made a motion, seconded by Mr. Bellissimo, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Sgroi Two-Lot Subdivision

Mr. Reilly stated that the Chairman of the Conservation Advisory Board has indicated that a letter will be submitted to the Planning Board from the NYSDEC stating that any second lot created would not be considered a buildable lot.

Mr. Bellissimo made a motion, seconded by Mrs. Yerkovich, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

John Kuebler – McKinley Parkway

It was determined that this project was approved by the Planning Board in November 2009 but was never built. He noted that the applicant wishes to move forward with the project now, which requires a re-approval by the Planning Board because the previous approval expired.

It was determined that the applicant proposes to construct the project as shown on the site plan approved in 2009.

Mr. McCabe made a motion, seconded by Mr. O'Connell, to schedule a public hearing for this project to be held on May 15, 2013. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Bellissimo made a motion, seconded by Mr. O'Connell, to approve the minutes of April 17, 2013. Carried.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: May 20, 2013

May 14, 2013

Mr. Andrew Reilly, P.E., AICP
Hamburg Town Engineer
140 John James Audubon Parkway
Suite 201
Buffalo, New York 14228

RE: Review of Previous Investigative Work at the former Waste Disposal Area
Located at 6636 Taylor Road in Hamburg, New York

Mr. Reilly:

This memorandum provides an overview of previous investigative work that has been completed at the former waste disposal area located at 6636 Taylor Road in Hamburg, New York. My comments on the work completed thus far can be categorized as follows:

OPERATIONAL CONCERNS ASSOCIATED WITH CLOSED WASTE DISPOSAL FACILITIES

- Determination of Waste Disposal Methods
- Determination of Aerial Extent of Waste
- Determination of Thickness of Waste
- Determination of Type of Waste Disposed of at the site

ENVIRONMENTAL CONCERNS ASSOCIATED WITH CLOSED LANDFILLS

- Potential Surface Hazards from Waste Disposal Activities
- Potential Impacts to Soil
- Potential Impacts to Surface Water
- Potential Impacts to Sediments Associated with Surface Water
- Potential Impacts to Groundwater
- Potential Impacts to Air
- Potential Impacts from Migration of Methane Gas

OPERATIONAL CONCERNS

Determination of Waste Disposal Methods

A site visit was completed on Monday, May 6th. From field observations, waste disposal apparently consisted of the excavation of 23 generally north – south trending trenches, waste was then placed in them, and natural soil cover was then placed over the waste in each trench. Trenches appear to be approximately 10 to 12 feet wide with a 12 to 15 foot undisturbed zone between each trench. The soil placed over the waste has settled so the

trenches now appear as shallow depressions at the surface. However, it was noted in the field at one location that settlement had not occurred in area approximately 10 by 15 feet.

Recommendations: The trenches should be inspected along their entire lengths for areas where settlement has not occurred, which could be indicative of the disposal of material other than municipal waste. Any areas where settlement has not occurred should be noted as well as the area noted on the site visit. These areas should be test pitted to ascertain the nature of materials buried at each particular location noted.

Determination of Aerial Extent of Waste Disposal Area

Empire Geoservices (Empire) used historic aerial photos to locate the former waste disposal area. Fifteen test pits were then excavated across the northern, eastern, southern and western boundaries of the former waste disposal area.

Recommendations: None - the aerial extent of waste the disposal area has been generally delineated.

Determination of Thickness of Waste

Nine borings and five test pits have been advanced or excavated within the waste disposal area and an additional 10 or so borings and test pits have been advanced or excavated in close proximity to the waste disposal area, all of which encountered bedrock at depths of five to eight feet below ground surface (BGS). Therefore, thickness of waste is less than 10 feet in thickness.

Recommendations: None - thickness has generally been determined.

Determination of Type of Waste Disposal

Visual inspections during the site visit, test pitting and drilling activities indicates waste disposed of now consists of dark grey to red brown material including glass bottles, tin cans, newspaper, wood, metal and general garbage. In places, this material was brown to black in nature.

However, it was noted on the site visit at one location that settlement had not occurred in that specific area of a trench along the western boundary of the site in an area approximately 10 by 15 feet. This particular area may not have received the same waste material as those areas of the site that have been test pitted or drilled.

Recommendations: Waste type has generally been characterized; however an area was noted during the site visit where settlement within a trench has not occurred. The trenches should be inspected along their entire lengths for areas where settlement has not occurred. Any areas where settlement has not occurred should be noted as well as the area noted on

the site visit. These areas should then be test pitted to ascertain the nature of materials buried at each particular location noted.

ENVIRONMENTAL CONCERNS

Potential Surface Hazards from Waste Disposal Activities

Little to no surface debris from waste disposal operations was noted during the site visit. There is however, an abandoned vehicle that is proximal to the waste facility along with other metal debris. There were however, many downed limbs, trees and underbrush growth on the former waste disposal area.

Recommendations: None

Potential Impacts to Soil

Ten subsurface soil/garbage samples from test pits and soil borings were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, cyanide and polychlorinated biphenyls (PCBs).

The VOC acetone at four locations was the only VOC detected that exceeded the Part 375 Soil Cleanup Objective (SCO) for Unrestricted site use. However, acetone was well below the SCO for Residential use.

The SVOC 1,4 dichlorobenzene was detected at P-8 at a concentration that exceeded the Part 375 SCO for Unrestricted use. However, this compound was well below the SCO for Residential site use.

Cyanide was detected at one location at a concentration well below the Part 375 for Unrestricted site use.

PCBs were detected at a number of locations, however they were detected at two locations with concentrations that exceeded that the SCO for Unrestricted use but were well below the SCO for Residential site use.

Metals occur naturally in soils and were detected in all soil samples analyzed. Several metals exceeded the SCO for Residential site use or the supplemental soil cleanup objective (SSCO):

- Aluminum at nine of 10 locations;
- Arsenic at one of 10 locations;
- Calcium at five of 10 locations; and
- Iron at 10 of 10 locations;

The concentration of arsenic exceeded the SCO for all site uses in Part 375 and the Eastern Background value. Aluminum, Calcium and Iron were detected at concentrations below their respective Eastern background values.

Recommendations: None

Potential Impacts to Surface Water

An inspection of the swale during the site visit showed the presence of orange staining in the swale similar to staining that is often seen associated with landfill leachate. The staining is likely attributable to iron bacteria that are present when there are high concentrations of dissolved iron in surface water.

Three unfiltered surface water samples were collected from the swale along the northern boundary of the former waste disposal area (two samples) and one sample was collected from the wetland area northwest of the disposal area that is downstream of the swale.

- The VOC Acetone in one sample below the 703 standard;
- No SVOCs;
- Cyanide in two samples below the 703 standard; and
- The metals Aluminum (2), Cobalt (1), Iron (3), Lead (1), Manganese (2), Zinc (3) exceeded their respective 703 standards.

There are apparent impacts from metals to surface water (orange staining); however unfiltered water samples were analyzed.

Recommendation: Because of the presence of orange staining in the swale and the previous collection of unfiltered water samples for analysis, resample and collect filtered water samples for analysis of metals and compare to applicable standards.

Potential Impacts to Sediment Associated with Surface Water

No sediment samples were collected from the swale or wetland.

Recommendation: Collect sediment samples of stained sediment from the three locations when surface water is resampled. Analyze sediment samples for VOCs, SVOCs, pesticides/PCBS and metals plus cyanide and compare to applicable standards.

Potential Impacts to Groundwater

No groundwater samples were collected as part of the characterization of potential impacts to the environment from the former waste disposal area.

Recommendations: Install a sufficient number of groundwater monitoring wells to characterize groundwater quality. Installation of well screens across the groundwater

EGMS

Environmental & Geologic Management Services, LLC

15 Briar Hill Road

Orchard Park, New York 14127

(716) 445-2105

nwohlabough@verizon.net

interface is recommended. Develop wells and collect samples for laboratory analysis of VOCs, SVOCs, pesticides, PCBs and metals.

Potential Impacts to Air

The waste disposal area has been inactive for approximately 50 years so impacts to air at this time are unlikely.

Recommendations: None

Potential Impacts from Methane Gas

It is unknown if there are environmental impacts from the generation of methane gas from past waste disposal activities.

Recommendations: Methane gas sampling is recommended from the air present within the groundwater monitoring wells, since screening across the groundwater interface is recommended.

CONCLUSIONS

This site is a mildly contaminated site based on present analytical results which are a snapshot in time. Not all transport vectors have been evaluated.

More field work is recommended as test pitting, collection of groundwater samples for analysis, and surface water and sediment sampling in the swale and wetland with analysis and comparison to state standards. Methane gas sampling is also recommended from the groundwater monitoring if they are screened across the groundwater interface.

Since the waste disposal area was an unregulated site that may have received waste other than municipal waste, it is unknown whether or not environmental impacts will remain the same or get worse in the future. Ongoing water sampling from the swale should take place as recommended in the DEIS.

CLOSURE

This environmental review has been completed at the request of the Hamburg Town Board for the referenced site in accordance with accepted environmental practices. Please contact the undersigned if you have questions or need additional information.

Sincerely,

Norman K. Wohlabough, PG, CPG
Geologist/Owner
EGMS



RECEIVED
JUN 14 2013
COUNTY CLERK'S OFFICE

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

**DEPARTMENT OF PUBLIC WORKS
RATH BUILDING – ROOM 1400**

**JOHN C. LOFFREDO, P.E.
COMMISSIONER**

TELEPHONE: (716) 858-8300
FAX: (716) 858-8228

June 12, 2013

Valerie Sarcione
Nussbaumer & Clark, Inc.
3556 Lake Shore Road
Buffalo, New York 14219-1494

**Reference: Willow Wood Subdivision (formerly Yoviene Subdivision)
Taylor Road (CR 468)
Town of Hamburg, County of Erie**

Dear Ms. Sarcione:

We have reviewed the revised submitted drawings and have no additional comments at this time.

There will be additional reviews when the developer and/or their contractor apply for highway work permits for maintenance and protection of traffic, etc.

Should you have any questions or require additional information, please contact our office at 858-8371.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

Carl P. Dimmig, Jr., P.E.
Senior Civil Engineer

cc: William Geary, Deputy Commissioner – Highways
Charles A. Sickler, P.E., Director of Engineering
Patrick Baskerville, Senior Highway Maintenance Engineer
Gerard Kapsiak, P.E., Town of Hamburg Engineering
File CR 468



COUNTY OF ERIE

MARK C. POLONCAREZ

COUNTY EXECUTIVE

JOHN C. LOFFREDO, P.E.
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS
RATH BUILDING - ROOM 1400

TELEPHONE: (716) 858-8300
FAX: (716) 858-8228

March 26, 2013

Valerie Sarcione
Nussbaumer & Clarke, Inc.
3556 Lake Shore Blvd, Suite 500
Buffalo, New York 14219-1494

Reference: Willow Woods Subdivision (Yoviene Subdivision)
Taylor Road (CR 468)
Town of Hamburg, County of Erie

Dear Ms. Sarcione:

We have reviewed the submitted drawing that have an impact on Taylor Road (CR 468) and have the following comments:

Drawing 7 & 9:

1. The proposed public road is sloped down to the edge of Taylor Road which is directing storm water runoff into Taylor Road. There should be two drop inlets installed over the proposed 12-inch storm pipe to reduce the amount of water that is coming down into the gutter system on Taylor Road (see marked up drawing).
2. Add a note to the drawing that before connecting to the existing drop inlet along Taylor Road, the contractor shall meet with Our Maintenance Engineer or his representative to determine the condition of the drop inlet and method used to make this connection. They can be reached by call 649-4077.

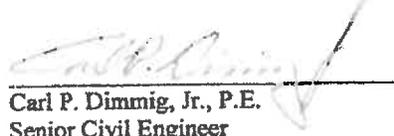
Drawing #12:

1. The contractor will need to submit a maintenance and protection of traffic plan for the receiving pit in the county right-of-way. Please include the method to protect the pit at night if it is left open.
2. Any damage to the county storm sewer during the installation to the sanitary sewer connection shall be repaired at no cost to the County Of Erie.

Should you have any questions or require additional information, please contact our office at 858-8371.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS



Carl P. Dimmig, Jr., P.E.
Senior Civil Engineer

cc: William Geary, Deputy Commissioner - Highways
Charles A. Sickler, P.E., Director of Engineering
Patrick Baskerville, Senior Highway Maintenance Engineer
Gerard Kapsiak, P.E., Town of Hamburg Engineer
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