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

Deadline for Written Comments: May 15, 2013

Accepted as Complete: September 4, 2013

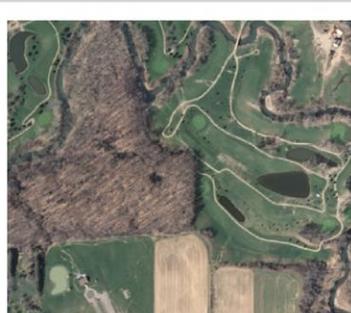
WILLOW WOODS SUBDIVISION

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 SEQ 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

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.

AGENCY CORRESPONDENCE

EXHIBIT 1

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

By: Empire Geo Services, Inc.

