

FINAL SUPPLEMENTAL
GENERIC ENVIRONMENTAL IMPACT STATEMENT
LAKE ERIE COMMERCE CENTER

DATE: March 28, 2012

LOCATION: Bayview Road and NYS Route 5
Town of Hamburg
Erie County, New York 14075

LEAD AGENCY: Town of Hamburg Town Board
6122 South Park Avenue
Hamburg, New York 14075

STATEMENT PREPARED BY:

Wendel
140 John James Audubon Parkway, Suite 201
Amherst, NY 14228
(716) 688-0766

Date of Acceptance of the Draft Supplemental
Generic Environmental Impact Statement: January 23, 2012

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

Deadline for Submission of Comments: March 9, 2012

Date of Acceptance of the Final Supplemental
Generic Environmental Impact Statement: April 10, 2012

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

TABLE OF CONTENTS

| | | |
|----|--|----|
| 1. | Introduction..... | 1 |
| 2. | Summary of the Draft Supplemental Generic Environmental Impact Statement.... | 3 |
| 3. | Responses to Comments | 10 |

MAPS

Map 1 – Aerial View of Project Area

APPENDICES

Appendix A: Additional SEQR Documentation

- Notice of Completion: Draft Generic Environmental Impact Statement
- Public Hearing Notice

Appendix B:

- Public Hearing Transcript/Minutes
- Correspondence received from agencies and the public

Appendix C:

- DSGEIS Executive Summary

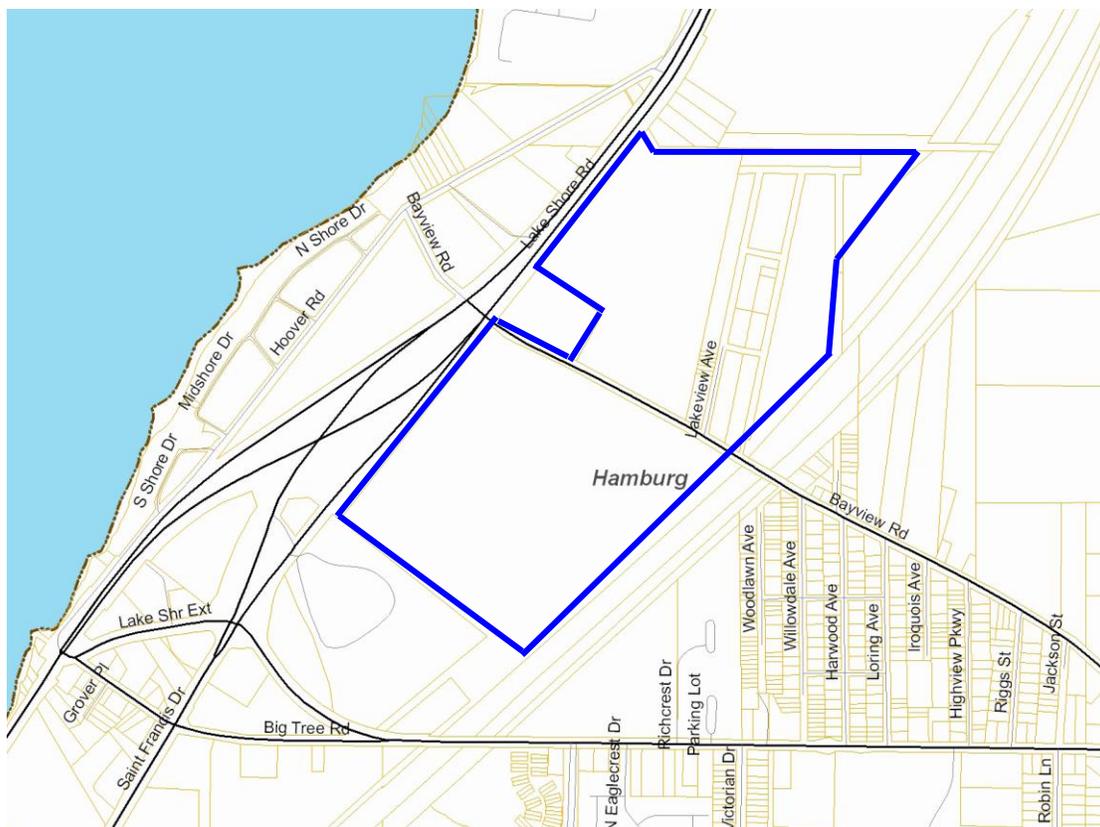
Final Supplemental Generic Environmental Impact Statement Lake Erie Commerce Center Project

1. INTRODUCTION

This Final Supplemental Generic Environmental Impact Statement (FSGEIS) is prepared pursuant to the New York State Environmental Quality Review Act (SEQRA), Article 8 of the New York Environmental Conservation Law, and its implementing regulations, 6 NYCRR Part 617. It has been prepared on behalf of the Town of Hamburg Town Board, acting as Lead Agency, in relation to the environmental review of the proposed Lake Erie Commerce Center Pre-Permitting Site application.

The proposed action involves an application from the Hamburg New York Land Development Company for the approval of Pre-Permitted Site Designation. The objective of this action is to satisfy the SEQRA requirements for the project site through the preparation of a generic environmental impact statement, thereby allowing future proposed projects within the Lake Erie Commerce Center to proceed directly to the Town for site and building permits. Completing the advanced environmental review and other work required allows businesses the opportunity to construct new facilities through an expedited permitting process.

The subject property encompasses approximately 134 acres of land situated along Bayview Road and NYS Route 5 (Lake Shore Road), in the Town of Hamburg, Erie County, New York. The



Final Supplemental Generic Environmental Impact Statement Lake Erie Commerce Center Project

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

The project, formerly known as the Lake Erie Commerce Center, was the subject of a previous SEQR review that included the preparation of a Generic Environmental Impact Statement (GEIS). The SEQR process for that project was completed in 1999. In accordance with the Town of Hamburg Pre-Permitted Site Incentive Law, a pre-permitted site designation for properties previously reviewed under SEQR requires the preparation of a Supplemental GEIS (SGEIS). The SGEIS affords the opportunity to evaluate the broader range of anticipated impacts and ensures that related actions will not be segmented in order to avoid the required analysis of future development actions on the project site. This SGEIS allows the Hamburg Town Board, as Lead Agency, to establish thresholds for future environmental review that may arise in the future, which must be outlined in the SEQR Statement of Findings for the project.

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

At the Town Board meeting that was held on December 12, 2011, the Town of Hamburg Town Board issued a Positive Declaration of potential significant adverse environmental impacts. As the Hamburg Pre-Permitted Site Incentive Law requires the preparation of an environmental impact statement as part of the review and approval process for pre-permitted designation, this action was pre-determined and necessary.

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

Final Supplemental Generic Environmental Impact Statement Lake Erie Commerce Center Project

2. SUMMARY OF THE DSGEIS

As noted above, the DSGEIS for the Lake Erie Commerce Center Project is considered part of the FSUGEIS, as required in Section 617.9(b)(8) of the SEQR regulations, and it is hereby incorporated by reference. This FSUGEIS describes any changes made to the DSGEIS and addresses all substantive comments offered for the DSGEIS. The identified environmental impacts associated with the proposed development of the Project Site are summarized in the chart below and are discussed in detail in Section 4 of the DSGEIS.

Potential Environmental Impacts:

| Environmental Factor | Potential Impacts and Proposed Mitigations |
|----------------------|---|
| Land and Soils | The subject property is primarily comprised of open lands, with areas of brush and woodlands, and a few small areas of wetlands. The future development of the Lake Erie Commerce Center site will change land use in the area. The large area of open space on the site will be developed with business and manufacturing uses. Temporary impacts, such as erosion, dust, runoff and/or sedimentation may occur during construction, but measures will be put in place to minimize these impacts. Appropriate engineering measures may also be required to address potential issues with soil drainage and stabilization for structural footings. Through the use of appropriate mitigation measures for future site development, no significant, long-term negative impacts to land or soils are anticipated. |
| Water Resources | The groundwater table in the project area lies at a depth of less than two feet below grade during certain times of the year. Buildings are not anticipated to have basements and proper drainage systems will be installed. Future site development will alter natural drainage patterns on the site. The increase in impervious surfaces will increase the rate and volume of stormwater runoff and affect the quality of the runoff. To limit potential impacts to groundwater resources, stormwater will be managed, as required in accordance with the Town of Hamburg Stormwater Management and Erosion and Sediment Control Law. For |

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

| Environmental Factor | Potential Impacts and Proposed Mitigations |
|-----------------------------|---|
| Water Resources Con't. | <p>future land disturbances that exceed one or more acres, a permit for construction and the preparation of a Stormwater Pollution Prevention Plan will be required. This Plan will comply with the requirements of the New York State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), which requires water quantity controls for channel protection, overbank flooding and extreme storms, water quality treatment and a reduction in the volume of runoff generated from newly constructed impervious surfaces. New infrastructure will be constructed to better manage water resources (new public water and sewer lines and area-wide stormwater management system). The use of green infrastructure will also be used to control the quantity and quality of stormwater runoff generated by new site development. Under these conditions, no significant negative impacts to water resources are expected.</p> |
| Climate and Air Quality | <p>Restrictions in the Town of Hamburg Zoning Ordinance and limitations on proposed uses in the SGEIS will prohibit smoke-stack industries on the subject property. The NYSDEC regulates air emissions, and any and all discharges to the atmosphere would be required to be in full compliance with State and Federal air quality permitting standards. Projected traffic volumes, even at full build-out, would not be large enough to result in significant air quality impacts. Therefore, no significant negative impacts to climate or air quality are anticipated.</p> |
| Floodplains | <p>Only a small area in the southwestern portion of the subject project site falls within the boundaries of a 100-year floodplain. Any future development that is proposed in this area must comply with the requirements of the Town of Hamburg Flood Damage Prevention Law. Therefore, the proposed action is not anticipated to result in significant adverse impacts on floodplain resources. It is also noted that the conceptual plans do not show drainage structures within the floodplain area.</p> |

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

| Environmental Factor | Potential Impacts and Proposed Mitigations |
|---|--|
| Ecological Resources (Vegetation and Wildlife) | <p>The subject property contains a mix of shrubs and old field habitat that is in various stages of succession growth, with a number of small areas of federally-regulated freshwater wetlands. No rare, threatened, special concern or endangered species were identified on the site; the site is not a locally or State-designated significant habitat. Identified wetlands were re-evaluated and little change was noted since the original delineation was performed. At the time of site development, updated wetlands delineation will be required to determine the current location and extent of these on-site resources to ensure that they will be effectively avoided and protected from site development to the greatest extent possible. Woodland vegetation will also be preserved as a vegetative buffer along the eastern property line. Therefore, no significant adverse impacts to vegetation or wildlife are anticipated.</p> |
| Local Waterfront Revitalization Area Consistency | <p>The Lake Erie Commerce Center property is located within the Local Waterfront Revitalization Area (LWRP) boundary and future site development is subject to consistency review in accordance with the policies and recommendations of the LWRP. In compliance with applicable LWRP policies, development on the subject property will be undertaken in a manner that minimizes impacts to natural and community resources. Site assessments of significant resources, such as wetlands, and further traffic analysis may be required to mitigate or avoid potential impacts. As previously noted, future site design must adhere to the zoning provisions of the Route 5 Overlay District, which includes aesthetic and architectural design. Zoning thresholds will be employed to restrict certain uses on the site that could potentially result in the generation of adverse air emissions, offensive noises or odors, or hazardous wastes. Finally, buildings constructed on the site should utilize energy efficient systems, be built with energy efficient materials, and should employ energy efficient practices and techniques in building design.</p> |

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

| Environmental Factor | Potential Impacts and Proposed Mitigations |
|-----------------------------|---|
| Land Use and Zoning | <p>The future development of the Lake Erie Commerce Center property will change land use in the area. The large area of open space on the site will be developed with business and manufacturing uses. The site is zoned M-3 General Industrial, which would allow for future industrial use on the site. However, certain uses allowed within the M-3 district may not be appropriate for this specific area and could result in potential environmental impacts that have not been fully evaluated in the DSGEIS. These heavy industrial uses (including lumber yards, coal yards, concrete and cement mixing plants, petroleum bulk storage facilities, large-scale propane storage and the processing or treatment of bituminous products) would be restricted from locating on the site. The property also falls within the boundaries of the Route 5 Overlay District and, therefore, design standards (aesthetics and architectural features, landscaping, lighting, parking, signage and roadway access) must be addressed in the design and layout of future site development to mitigate potential adverse impacts from site development. The proposed action is also consistent with local and regional land use recommendations set forth in the Town of Hamburg Comprehensive Plan and the Erie County Framework for Regional Growth, which support future commercial and industrial development in this area. Therefore, the proposed action is consistent with local and regional land use recommendations and zoning standards and restricts will be applied to mitigate and avoid potential significant impacts to land use in the area.</p> |
| Cultural Resources | <p>There are no registered or locally important historic structures on the subject property or in the immediate vicinity of the site. A Phase 1A Cultural Resource Assessment was conducted on the subject property as a part of the original DSGEIS. This study concluded that there are no known archaeological resources located on or in the vicinity of the project site. Therefore, no impacts to cultural resources will result from the proposed action.</p> |

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

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

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

| Environmental Factor | Potential Impacts and Proposed Mitigations |
|-----------------------------|--|
| Transportation | <p>Future development on the Lake Erie Commerce Center property will increase traffic on NYS Route 5, Bayview Road and other roadways in the vicinity of the site. A Traffic Impact Study was prepared to assess existing and future traffic operations on the street network, to evaluate potential impacts resulting from full build out of the site, and to identify appropriate mitigation measures to avoid or minimize potential adverse impacts to the transportation system (the study is included in Appendix C of the DSGEIS). As determined in the original DSGEIS and confirmed in this supplemental, without mitigations (the addition of a new entrance onto Route 5 and changes to Bayview Road, or other), the potential transportation impacts from build out of this site could be significant. Because users are unknown at this time, and therefore the amount of traffic to be generated is unknown, estimates have been made and thresholds have been set, to require certain mitigations to be undertaken when certain levels of traffic generation are achieved at the site.</p> |
| Solid Waste Management | <p>Increased amounts of solid waste will be generated by future users on the Lake Erie Commerce Center project site. Solid waste generation is expected to be typical of uses allowed in industrial business parks. In the Town of Hamburg, non-residential uses are responsible for contracting with commercial waste disposal services for the collection and disposal of solid waste materials. If small quantities of regulated hazardous materials are generated, on-site users must comply with NYSDEC regulations and special provisions for waste management.</p> |
| Energy Utilization | <p>The proposed action will result in a long-term increase in the use of energy resources, including electricity and natural gas. Buildings constructed on the project site would utilize energy efficient systems and be made of energy efficient building materials, in accordance with the NYS Energy Code and Building Code. The project is not expected to have a significant adverse impact on energy resources.</p> |

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

| Environmental Factor | Potential Impacts and Proposed Mitigations |
|-------------------------------------|--|
| Noise and Odors | There will be short-term noise impacts due to construction of the roadway and infrastructure. Long-term noise levels are not expected to be inconsistent with surrounding development. Zoning restrictions would be established prevent the development of uses on the subject property that would result in adverse noise or odor impacts. |
| Public Utilities and Infrastructure | The Erie County Water Authority (ECWA) will supply public water to future users at the Lake Erie Commerce Center. The site is also located within the boundaries of Sewer District No. SS-1, with wastewater flows discharged to the Southtown’s Wastewater Treatment Plant, which is located directly northwest of the site. Proposed uses are not known at this time, but the general types of uses that are expected to occupy the site are not expected to be large consumers of public water. Working with the ECWA and the local fire company, thresholds will be set for the quantity of water that could be utilized at this property. Furthermore, as Erie County does not commit capacities to potential future users, each proposed future use would have to submit information to the County for review, and which could involve the requirement of mitigation (especially for inflow and infiltration problems in the area). Therefore, with these mitigations, as required by the County, the proposed action is not anticipated to result in adverse environmental impacts. |

Various measures will be taken to avoid, minimize and/or mitigate potentially significant adverse environmental impacts to the maximum extent practicable. SEQR requires a lead agency to balance the social, economic and environmental impacts of a proposed project.

The DSGEIS included an analysis of various alternative development scenarios in Chapter 6 of the document. In the case of this DSGEIS, a preferred development option was not chosen; instead, a variety of development options were evaluated to determine the potential impacts from each and potential mitigations that would be required. The Figures depicting the alternative site development scenarios, as described in the DSGEIS, are provided in the Final Supplemental Generic Environmental Impact Statement as reference. This project represents a conceptual development

Final Supplemental Generic Environmental Impact Statement Lake Erie Commerce Center Project

plan involving zoning approval, construction, and operation of shovel ready site(s) for high technology, manufacturing and business uses. The DSGEIS has evaluated potential generic impacts associated with the well-defined elements of the Project, as well as the potential cumulative, longer-term impacts associated with the less-defined full build-out of the Project.

3. RESPONSES TO COMMENTS

This Chapter contains the responses to the comments received on the Draft Environmental Impact Statement for the Lake Erie Commerce Center project. The DSGEIS was released for public review on January 23, 2012. A letter was received from the New York State Department of Environmental Conservation dated March 8, 2012. A letter was also received from the New York State Department of Transportation dated March 29, 2012. Email correspondence was received from the Erie County Division of Sewerage Management on February 28, 2012. Comments were also received from the Town of Hamburg Planning Board on March 7, 2012.

A Public Hearing to receive comments was held on February 27, 2012 at 7:00 PM at Hamburg Town Hall. A summary of the meeting is included in Appendix B. Only one individual provided comments at the Public Hearing. The public comment period was open until March 9, 2012. Written comments were received from one local citizen.

As there were not a large number of comments that were received from Involved or Interested Agencies on the project, each comment will be addressed individually.

New York State Department of Environmental Conservation (NYSDEC)

The comment letter from the NYSDEC is included in Appendix B of this FSGEIS.

Comment: *Please submit a copy of any future federal wetlands delineation reports that are prepared for the site.*

Response: At the time that development is proposed for the subject property, updated wetlands delineation will be required to determine the current location and extent of wetland resources on site. Once a report has been finalized, a copy would be provided to the NYSDEC.

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Comments from the Town of Hamburg Planning Board

The Planning Board reviewed the DSGEIS. Based upon this review and information garnered from meetings that were held on the project, the Planning Board recommended the rezoning to the Town Board. The Planning Board had the following comments that were relayed to Wendel for inclusion in the FSGEIS.

Comment: *Add information to Section 3.7.4 on the availability of fiber optic services in the project area.*

Response: This information is unavailable at this time, but will be added to the documentation that is used to market the site.

Comment: *In Section 7.2.5, how was the 220-foot driveway spacing arrived at?*

Response: This standard was taken from the NYSDOT Manual on Access Management and the Town of Hamburg Route 5 Overlay District.

Comment: *In Section 5.7, it states that “Signage will also be restricted to a single monument sign along Route 5 or Bayview”. Can an applicant get a variance from the Zoning Board of Appeals for this?*

Response: The Town cannot restrict someone from applying to the Zoning Board of Appeals for a variance from a Code requirement. In this case, if this is made a condition in the Findings of the SEQ process, the applicant would need to get the Town Board to amend the SEQ Findings and / or determine that this change does not cause an environmental impact for them to vary this condition.

Comment: *In Section 5.7, in the sentence concerning the existing natural vegetative buffer along the rail corridor, change the word “will” to “shall”.*

Response: The wording in the DGEIS will be revised to read as follows: A buffer of existing natural vegetation, measuring no less than 75 feet in width, *shall* be preserved along the west side of the rail corridor.

Comment: *In Section 5.7 is stated that “In addition, a 50-foot landscaped setback will be required along the NYS Route 5 and Bayview Road property frontages. Can we require that a “significant” or “heavily landscaped” area featuring trees and shrubs?*

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Response: Section 5.7 will be revised to include this clarification if requested by the Town Board.

Comment: *In Section 7.2.3, can we amend the second criteria, “Rooftop mechanicals shall be screened from public view along Route 5” to also include Bayview Road and other roads?*

Response: The threshold criteria in Section 7.2.3 will be revised to read: Rooftop mechanicals shall be screened from public view. Hence, the criteria would apply to any situation.

Comment: *In Section 7.2.9, can we change “every effort should be taken” to a mandatory requirement?*

Response: The wording in Section 7.2.9 will be revised to read as follows: In the design of any site along this area, *a greenspace/buffer area shall be maintained* along this railroad system to help in buffering the residential area to the east.

Comment: *Can the DSGEIS address different transportation mitigations other than the new road entry to NYS Route 5”? Is it possible to install an exit road parallel to the railroad, coming out to Milestrip Road, instead of an entrance to Route 5?*

Response: At this time, this is the only long term transportation mitigation that has been devised and accepted by affected parties. The DSGEIS allows for the evaluation of different mitigations for proposed projects through a supplementary document, including a new Traffic Impact Study.

Comment: *In Section 7.2.2, it states “Berthing or additional screening in this area would only be required if loading docks, outdoor storage or other similar uses are oriented towards NYS Route 5. How high would the berm have to be to accomplish this?*

Response: This section of the DSGEIS will be amended similar to what is proposed for Section 7.2.3. Berthing is not restricted to just loading dock areas; berm height would be based on the use and site development characteristics.

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

New York State Department of Transportation (NYSDOT)

Comment: *The January 2012 Traffic Analysis concludes that an increase of 100 additional trips to this development in either the AM or PM peak hour will not significantly degrade the level of service on nearby intersections. With respect to intersections under NYSDOT jurisdiction, we agree that an increase of 100 trips in the peak hours will not have a significant impact.*

Response: As the Town concurs, no response is needed for this comment.

Comment: *When the threshold of 100 additional trips is met, a new traffic study should be prepared before any further development is approved.*

Response: As noted earlier, estimates have been made and thresholds have been set to require certain mitigations to be undertaken when certain levels of traffic generation are achieved at the site. The DGEIS indicates that any use (first use proposed at the site) that generates over 100 trips in the AM or PM peak hour will require the mitigations outlined in the original GEIS, or the owner/applicant will need to work with the NYSDOT to formulate another mitigation or plan that is acceptable to the NYSDOT and the Town of Hamburg Traffic Safety Advisory Board. As requested by NYSDOT, a new Traffic Impact Analysis will be required when the 100 trip threshold is met.

Comment: *NYSDOT has a planned highway project on NY Route 5 at Bayview Road, PIN 5134.37. Various options to reconfigure access to/from the highway median are being evaluated for this project. The project is currently scheduled to begin construction in 2015.*

Response: The Town will collaborate with the NYSDOT to ensure that planning for this project takes development at the Lake Erie Commerce Center into consideration in an effort to effectively mitigate potential traffic impacts.

Comment: *A NYSDOT Highway Work Permit will be required if any work is proposed within the State Highway Right-of-Way. Additional site engineering review will be done as part of the Highway Work Permit process. This letter does not constitute approval for the purposes of a Highway Work Permit.*

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Response: As required, Highway Work Permits will be secured from the NYSDOT, as necessary.

Town of Hamburg Traffic Safety Advisory Board

Comment: *No Parking Anytime signage should be installed on the north and south sides of Bay View Road, from its terminus with Route 5 east to the railroad tracks.*

Response: This recommendation for “No Parking” signage along Bayview Road will be included as project mitigation.

Comment: *It is recommended that an engineering study be conducted by the Town Engineering Office on the substructure of Bay View Road to maintain integrity with subsequent addition of heavy traffic.*

Response: Such a study would be undertaken if requested by the Hamburg Town Board.

Comment: *In the event of permanent closure of Bay View Road at any time after the site is open, flashing yellow warning lights should be installed on Big Tree Road, east and west of the railroad underpass, to warn truck traffic of low clearance.*

Response: This recommendation for flashing yellow warning lights for the railroad underpass will be included as project mitigation.

Erie County Division of Sewerage Management

Comments were received from the Division of Sewerage Management (DSM), as follows:

Comment: *Approvals for the sanitary sewer will be required from the DSM; approval may be required for the 8-inch sanitary sewer line from the Erie County Department of Health. Sanitary sewer design drawings must be prepared in accordance with the County’s Rules, Regulations and Design Requirements, and submitted to the County for review.*

Response: At the time that design plans for development of a specific site or sites are being finalized, they will be submitted to the DSM and the ECDOH for review and permit approval, as required. All plans and drawings would be prepared in accordance with County requirements.

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Public Comments

Written comments were received from only one public citizen, as follows. The transcript for the Public Hearing is contained in Appendix C.

Comment: *Who will be responsible for the control of the migration of wildlife from the site when development starts (animals will either inundate our neighborhood or head toward a six-lane highway)?*

Response: Gradual development of the project site would be the best way to mitigate these concerns. There is no other possible mitigation for this site, aside from leaving a natural greenspace corridor along the railroad tracks.

Comment: *Our residential area could be affected by legal but offensive odors that would naturally drift downward of the project site. An example is the frequent offensive odor we already experience from the Erie County Sewage Treatment Plant. What regulations or restrictions will be set to protect us from any offensive odors on the site?*

Response: As noted in Section 7.2.11, the existing M-3 zoning does not permit uses that would result in the dissemination of noise or odors into any residential district. In addition, the thresholds in the DSGEIS prohibit certain uses on the site that could result in potential adverse impacts, including noise and odors. Although the Pre-Permitted site designation would eliminate the need for an applicant to go to the Hamburg Planning Board for site plan approval, the Town Building, Engineering and Planning Department are still required to review projects for conformance with the SEQR documents and the pre-permitted site designation requirements. If found to be in conformance with these documents, development could proceed as planned. If the proposed project does not meet all of the SEQR and Pre-Permitted site designation requirements, the project would then be sent to the Planning Board for site plan approval and a determination regarding SEQR. This SEQR determination would need to be made prior to the approval of any development plans. Future projects must be carried out in conformance with the conditions and thresholds set forth in the GEIS.

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Comment: *The Town is proposing a list of unacceptable businesses for this project. We are proposing that the owner and/or development have a list of acceptable businesses for this site. Just in case we overlooked something unacceptable and are stuck with it because it was not on the unacceptable list.*

Response: See response to previous comment.

Comment: *Currently the Town has no restriction on projects – will there be one set for this project within the Pre-Permitted Site Requirements. And also, will there be any restriction for how deep (underground) any of these businesses can go?*

Response: The current zoning of the property has no height restrictions and as noted the SDGEIS proposes none. If there were some environmental impact that could be mitigated by restricting height, the Town could propose a height restriction. As to an “underground” restriction, the Town’s Zoning Codes do not address this issue.

Comment: *Would like to suggest alternative for delivery vehicles that arrive during off hours before the businesses open, and don’t have anywhere to wait. Either a shared lot within the park or requiring that each business provide suitable accommodations for this issue. This would be in lieu of these vehicles parking along the roadway like they do in Ravenwood. Also, would suggest a turnaround area for truck traffic within each site so they don’t have to either back out on the roadway or back in from the roadway.*

Response: We will add to the requirements that all vehicle stacking and loading will be on-site. Site plans must include appropriate areas for delivery and needed turn-arounds, as well.

Comment: *Will the stormwater and sewer lines be separate from the residential lines? (envisioning possible problems if they are not).*

Response: Each site will develop its own stormwater management system that would discharge into a public system, most probably onto NYS Route 5 or Bayview Road. Sanitary sewer connections will be made via individual (and separate) sewer laterals that will connect into the existing sewer system in the project area, and will have to meet all regulatory requirements.

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Comment: *The Solid Waste Management section refers to “on-site hazardous waste disposal” – does this mean we are allowing businesses that create hazardous waste?*

Response: The DSGEIS states, “If small quantities of regulated hazardous waste are generated, on site, users must comply with NYSDEC regulations and special provisions for waste management”. We will remove the word “hazardous” from this statement. It must be known, however, that many businesses generate regulated waste materials and such users may locate on the project site.

Comment: *Could the surrounding areas energy supply be affected by this project? Could we experience “brownouts” because of the industrial usage? If so, how can we avoid it?*

Response: Power supply in this area is more than adequate and the power company will address any issues of supply, as required.

Comment: *During development there will be unavoidable adverse environmental impact, but how do we keep them to a minimum? Such as blasting – how are the surrounding developed areas protected against any possible damage because of blasting? Also, fugitive dust – will contractors be required to keep the area clean constantly during construction? As dire, dust and debris left on the roadway would create a constant fugitive dust problem.*

Response: The Town has construction standards, including requirements for blasting, dust control, erosion and sediment control and debris generation.

Comment: *Tax incentives – concern about the current trend of businesses abandoning their building when tax incentives have ended. Is it possible to include some type of requirement that an unsold building has to be demolished within a specified time frame so we don’t have to contend with abandoned buildings?*

Response: This is not an environmental issue and will not be addressed in the FSGEIS. This matter can be taken up with the Town Board.

Comment: *Since this is an industrial project, will the site be included in the federally-mandated National Air Monitoring Stations network and the State Local Monitoring Stations network?*

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Response: Section 3.4.2 notes that the NYSDEC continually monitors air pollution through the Federally Mandated National Air Monitoring Stations Network and the State Local Monitoring Stations Network. Locally, they monitor air quality at a site in Buffalo and at other locations in the region. The data gathered at these stations indicate that the region, as a whole, is in compliance with air quality standards, with the exception of ozone. All projects requiring air permitting will be required to meet all State and Federal standards. In addition, per the thresholds outlined in Section 7 of the DSGEIS, “smoke stack industries” are the types of uses that would not be permitted on the site.

Comment: *Noise levels are not established in the Town Noise Ordinance, but exterior noise levels should be addressed by the zoning restrictions that limit dissemination of noise beyond property boundaries – will this be part of the Pre-Permitting Site Requirements?*

Response: As stated, the Code does not allow noise dissemination beyond property boundaries. The Town is not requiring any additional standards.

Comment: *There are concerns about what was used by Bethlehem Steel to fill in the demolished residential section of this site. Will there be any testing of that area before development starts?*

Response: The Town completed a Phase I Environmental Audit which identified fill areas. Most of the areas that were used for the disposal of fill are avoided from development on the conceptual plans. The Town could require special monitoring during foundation construction.

Comment: *Will each developed site be required to leave any green space? If so, how much per site?*

Response: Greenspace / buffer areas are shown on the Conceptual Plan and discussed in the DSGEIS. These requirements will be included in any conditions for development approval. There are no specific requirements for greenspace in the M-3 zoning classification, but the Route 5 Overlay District has requirements (including 15 percent minimum greenspace). The requirements of the Route 5 Overlay District would be incorporated into the conditions of the Pre-Permitted site designation.

Comment: *Is there a maximum number of sites projected? Will there be a minimum site size?*

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Response: There is no proposed maximum number of sites or minimum lot size established for this site. The owner, we believe, may have a minimum lot size requirement (smallest sized lot feasible for sale).

Comment: *Figure 11 shows a detention basin alongside Bayview road – I’m concerned about any basin or pond alongside any roadway for safety reasons, especially if it is not enclosed somehow.*

Response: The detention basins would be located in the lower areas of the site and could be located along or near NYS Route 5. This location is beneficial as it is the greatest distance from residential areas.

Comment: *Thresholds for Future Environmental Review are saying that is a proposed project does not meet all of the Pre-Permitted Requirements that the Planning Board can still approve the project? Why? I thought one of the reasons for the Pre-Permitted Requirements was to avoid haphazard approvals and keep the development consistent.*

Response: The purpose of this action is to provide Pre-Permitted site designation to this site. As noted in an earlier response, if an applicant cannot meet the conditions of the SEQRA documents and the Pre-Permitted site designation, they would have to go to the Planning Board for approval under the normal process. This does not mean that the Planning Board would waive the conditions and mitigations determined in this SGEIS process. The Town has the power to request another supplemental if their concerns are not addressed.

Comment: *There are many homes, a few schools and many businesses within a 2-mile radius of the site. What safety precautions will be taken for any type of industrial disaster by the Town and/or the industrial park itself?*

Response: The Town has a Disaster Management Plan and System in place.

Comment: *Who will be responsible for maintenance and upkeep of any common areas and any problems within this site once it is fully developed? Will there be a park “owner”?*

Response: If the land is sold out right to others, the open space would need to be owned and maintained by the property owner (the Town could place this requirement in the deed along with having a conservation easement). If the land is kept in ownership with the

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Hamburg New York Land Development Company, they would need to set up a mechanism for the ownership and maintenance of the common land.

Comment: *If this project wants to be “shovel ready”, I believe that the roadway needs to be in whatever configuration is decided to be the safest for full development because once sites start being sold off, rearranging the roadway won’t be feasible. Personally, I believe that Exhibit 21 in the FGEIS of 1999 is the safest long-term resolution for this area. It dead-ends Bayview Road at the railroad tracks and at its current intersection with Route 5 at the deadly “crossover” on both sides of Route 5 and restructures Bayview Road to intersect with Route 5 at the northern most area of the site to connect with a restructured Hoover Road. If these upgrades happen, will Bayview Road still be a Town road or will it become private since it will just service the “park”?*

If Bayview Road is not dead-ended at the railroad tracks it will have to be upgraded to accommodate the increased eastbound traffic to at least the Big Tree Road intersection. Upgrading should include widening the road, adding shoulders and sidewalks for safety of area residents. Even though Alternative 3 states that “All projects will have the requirements of restricting trucks from driving east on Bayview Road when exiting the site”..., experience has shown that for Ravenwood Park, which has the same restriction for truck traffic, it has not worked, it is not enforceable and it give a false sense of security to residents in the area. This project and the Pre-Permitted Site Requirements should not be approved until these serious traffic issues have been addressed and approved by all agencies involved.

Response: We agree that this is the biggest issue of concern for this project. At this time, the development scenarios include either limiting the number of driveways onto Bayview Road and/or having one or two major access roads connecting to Bayview Road, and possibly NYS Route 5. The driveways onto Bayview Road are limited by the peak-hour threshold that was established. It will be up to the owner and Town to make sure that the driveways do not adversely affect the future development of the site.

Comment: *A suitable minimum driveway width, for oversized vehicles, should be established.*

Response: The Town Engineer will provide minimum width standards for truck turning movements.

**Final Supplemental Generic Environmental Impact Statement
Lake Erie Commerce Center Project**

Comment: *There should be “No Parking” restrictions on both sides of Bayview Road within the site area.*

Response: The Town will investigate the need for “No Parking” signage along Bayview Road.

Comment: *There should be pedestrian access from Route 5 for possible future bus stops in the area of this site.*

Response: This type of planning would need to be coordinated with the NYSDOT, the GBNRTC and the NFTA. It presently does not make sense to have pedestrian access to NYS Route 5, where there are no sidewalks available.

NOTICE OF PUBLIC HEARING TOWN OF HAMBURG

PLEASE TAKE NOTICE that the Town Board of the Town of Hamburg will conduct a Public Hearing at the Hamburg Town Hall, 6111 South Park Avenue, Hamburg, New York 14075, on the 27th day of February, 2012 at 7:00 p.m. to hear and consider public comment on the proposed Draft Supplemental Generic Environmental Impact Statement (DSGEIS) on the Pre-Permitted Site Designation application from the Hamburg New York Land Development Company for approximately 134 acres of land situated along Bayview Road at its intersection with NYS Route 5.

Copies of the Draft Supplemental Generic Environmental Impact Statement are available in the Office of the Town Clerk and Building Inspection at the above address for inspection and/or copying during regular office hours, and on the Town of Hamburg web-site _____. All interested parties will be heard.

DATED: January 2, 2012

BY ORDER OF THE TOWN BOARD,
TOWN OF HAMBURG
Catherine Rybczynski, Town Clerk

The ENB SEQRA Notice Publication Form - Please check all that apply

Deadline: Notices must be received by **6 p.m. Wednesday** to appear in the following Wednesday's ENB

- | | |
|---|--|
| <input type="checkbox"/> Negative Declaration - Type I | <input type="checkbox"/> Draft EIS |
| <input type="checkbox"/> Conditioned Negative Declaration | <input type="checkbox"/> with Public Hearing |
| <input type="checkbox"/> Draft Negative Declaration | <input type="checkbox"/> Generic |
| <input type="checkbox"/> Positive Declaration | <input type="checkbox"/> Supplemental |
| <input type="checkbox"/> with Public Scoping Session | <input checked="" type="checkbox"/> Final EIS |
| | <input checked="" type="checkbox"/> Generic |
| | <input checked="" type="checkbox"/> Supplemental |

DEC Region # 9 County: Erie Lead Agency: Town of Hamburg Town Board

Project Title: Lake Erie Commerce Center

Brief Project Description: The action involves . . .

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

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

Project Location (include street address/municipality): Bayview Road, east of NYS Route 5, Town of Hamburg, New York

Contact Person: Sarah K. desJardins, Town of Hamburg Planning Department

Address: 6100 South Park Avenue City: Hamburg State: NY Zip: 14075

Phone: (716) 649-2023 Fax: (716) 648-0151 E-mail: areilly@wd-ae.com

For Draft Negative Declaration / Draft EIS: Public Comment Period ends: ___ / ___ / ___

For Public Hearing or Scoping Session: Date: ___ / ___ / ___ Time: ___:___ am/pm

Location: _____

A hard copy of the DEIS/FEIS is available at the following locations:

Town of Hamburg Planning Department or Office of Town Clerk, 6100 South Park Avenue, Hamburg, NY

The online version of the DEIS/FEIS is available at the following publically accessible web site:

http://www.townofhamburgny.com/Important_Town_Documents-117736.html

For Conditioned Negative Declaration: In summary, conditions include:

N/A

**State Environmental Quality Review
Notice of Completion of Draft Supplemental GEIS**

January 31, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Draft Supplemental Generic Environmental Impact Statement has been completed and accepted by the **Town of Hamburg Town Board** as lead agency, for the proposed action described below.

Name of Action: Lake Erie Commerce Center

Description of Action:

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

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

Location: Bayview Road at NYS Route 5, Town of Hamburg, Erie County, New York

Potential Environmental Impacts:

Land and Soils: The future development of the Lake Erie Commerce Center site will change land use in the area. A large area of the open space on this site will be developed with business and manufacturing uses. The proposed action is consistent with local and regional land use recommendations set forth in the Town of Hamburg Comprehensive Plan and the Erie County Framework for Regional Growth, which support future commercial and industrial development in this area.

Water Resources: The groundwater table in the project area lies at a depth of less than two feet below the grade during certain times of the year. Buildings are not anticipated to have basements and proper drainage systems will be installed. Future site development will alter natural drainage patterns on the site. The increase in impervious surfaces will increase the rate and volume of stormwater runoff and affect the quality of the run-off, as a result of development. Any future development of the Lake Erie Commerce Center property that involves the disturbance of one or more acres of land will require a permit for construction activities and the preparation of a Stormwater Pollution Prevention Plan. Green

infrastructure and other standards techniques will be used to control the quantity and quality of stormwater runoff from future development.

Ecological Resources (vegetation/wildlife): The subject property contains a mix of ground cover, including woodlands and some isolated areas of freshwater wetlands. Woodland vegetation will be preserved as a vegetative buffer along the eastern property line. At the time that development is proposed on the site, updated wetlands delineation will be required to determine the current location and extent of on-site resources. Based upon the findings of updated delineations, appropriate mitigative measures would be required.

Growth and Character of Community: The proposed action is located within the area identified for future commercial and industrial development in the Town's Comprehensive Plan, as well as the Erie County Framework for Regional Growth. Therefore, the proposed action would be consistent with the local and regional land use recommendations for this part of the community. The project site is presently zoned general industrial uses (M-3). Certain uses allowed within the M-3 Zoning District may not be appropriate for the project area. These "heavy industrial" uses could cause impacts not fully evaluated in this SDGEIS and restrictions would be established to prohibit these uses.

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

Transportation: Future site development will increase traffic on NYS Route 5, Bayview Road and other roadways in the vicinity of the site. As users for the site are unknown at this time and, hence, the amount of traffic to be generated is unknown, estimates would be determined and thresholds established, to require certain mitigations as certain levels of traffic generation are achieved.

Visual Resources: Future development of the Lake Erie Commerce Center property will change the visual character of the project site, with views of three-dimensional structures replacing those of open and generally level open land. Views of site development will be available from certain vantage points (including Route 5); other views may be partially or fully screened by existing vegetation on adjoining properties or vegetation that will be retained on the subject property. Architectural and other design requirements and landscaping features would be utilized to soften the appearance of buildings and improve aesthetics. At present, the project site is open land with no building or other structures that will project artificial light. The area is dark at night. As part of the establishment of design guidelines for the site, standards would be set to control site lighting and prevent potential adverse impacts.

Noise and Odors: There will be short-term noise impacts due to construction of the roadway and infrastructure. Long-term noise levels are not expected to be inconsistent with surrounding development. Zoning restrictions would be established prevent the development of uses on the subject property that would result in adverse noise or odor impacts.

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

A copy of the Draft SGEIS may be obtained from:

Sarah K. desJardins
Town of Hamburg Planning Department
6100 South Park Avenue
Hamburg, New York 14075
Phone: 716-649-2023

Town Clerk's Office
Town of Hamburg
6100 South Park Avenue
Hamburg, New York 14075

A copy of this notice has been sent to:

David Denk, Regional Permit Administrator
New York State Department of Environmental Conservation
NYSDEC, Region 9
270 Michigan Ave
Buffalo, NY 14203-2999

Edward Rutkowski
New York State Department of Transportation
NYS Dept. of Transportation
Region 5
100 Seneca Street
Buffalo, NY 14203

Rachel Chrostowski
Erie County Department of Environment and Planning
Edward A. Rath County Office Bldg.
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Thomas Casey
Erie County Department of Health
Edward A. Rath County Office Bldg.
95 Franklin Street, Room 1034
Buffalo, NY 14202

Wes Dust
Erie County Water District
3030 Union Road
Cheektowaga, NY 14227

Environmental Notice Bulletin
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750

Michael Bartlett
Hamburg New York Land Development Co.
6122 South Park Avenue
Hamburg, NY 14075

Steve Walters, Supervisor
Town of Hamburg
6100 South Park Avenue
Hamburg, NY 14075

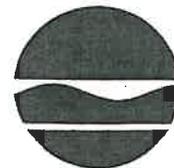
New York State Department of Environmental Conservation

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

March 8, 2012

Ms. Sarah K. desJardins
Town of Hamburg Planning Dept.
6100 South Park Avenue
Hamburg, New York 14075

Dear Ms. desJardins:

**DSGEIS REVIEW COMMENTS
PRE-PERMITTED SITE INCENTIVE APPLICATION
LAKE ERIE COMMERCE CENTER
BAYVIEW ROAD & ROUTE 5
TOWN OF HAMBURG, ERIE COUNTY**

The Department has reviewed the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) for the future development of the Lake Erie Commerce Center (formerly known as the Lake Erie Industrial Park) on Bayview Road. Based upon this review, the Department has no additional comments on the DSGEIS. Please keep us informed as specific projects are planned for the site so that we can determine whether there will be any required permits and/or approvals for proposed facilities. In addition, please submit a copy of any future federal wetland delineation report prepared for this site to this office for review.

If you have any questions regarding this letter, please feel free to contact me at 716/851-7165.

Respectfully,

Lisa M. Porter
Deputy Permit Administrator

LMP:ldg

Ecc: Ms. Anne Rothrock, NYSDEC, Division of Fish, Wildlife and Marine Resources
Mr. Jeffrey Konsella, NYSDEC, Division of Water
U.S. Army Corps of Engineers, Buffalo District
NYS Office of Parks, Recreation and Historic Preservation

Town of Hamburg
Planning Board Work Session
February 1, 2012
Minutes

The Town of Hamburg Planning Board met for a Work Session on Wednesday, February 1, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Vice-Chairman Sasha Yerkovich, Gerard Koenig, David Bellissimo, Doug Schawel and Daniel O'Connell.

Others in attendance included Andrew Reilly, Sarah desJardins, Attorney Cheryl McFadden Zak and Councilman Joseph Collins.

Excused: Stephen McCabe

Chairman Reszka announced that the applicant for the Willow Woods Subdivision (formerly known as the Yoviene Subdivision) has asked that the project be tabled.

Mr. Koenig made a motion, seconded by Mr. Schawel, to table this project. Carried.

Maple Shade Subdivision

Mrs. desJardins stated that this property is part of the large tract of land that was previously subdivided into three (3) parcels. She further stated that this is one (1) of the three (3) newly created lots and the owner wishes to now subdivide this parcel into five (5) building lots.

In response to a question from Mr. Koenig, Mrs. desJardins stated that this property is zoned R-A and it meets all zoning requirements, including those of the Southeastern Hamburg Overlay District.

Mr. Reilly stated that because the Town of Hamburg considers this a major subdivision, Preliminary and Final Plat Approval will be required.

Mr. Reilly stated that the biggest issue raised so far is the issue of whether the applicant will be required to connect to the existing sewer line located 200 feet east of this property or if he will be allowed to install septic systems on the lots. He noted that a waiver will be required from the New York State Department of Environment & Planning in order to install septic systems on the new lots.

Mr. Reilly noted that a 100-foot buffer for the existing wetlands in the rear of this property is provided on the Preliminary Plat.

Mr. Reilly stated that the applicant has been receiving agricultural exemptions on this property and needs to understand that when the property is developed, back taxes will have to be paid to the Town Assessor.

In response to a question from Mr. Koenig, Mr. Reilly stated that the Town of Boston will be notified of this proposal as a courtesy.

Mrs. Yerkovich stated that she is concerned about five (5) driveways on Taylor Road in close proximity to each other. It was determined that the applicant will be asked to stipulate on the drawings that each lot will have a turn-around driveway.

It was determined that the Board will schedule a public hearing once the applicant advises the Board about whether a sewer connection will be required.

Mrs. Yerkovich made a motion, seconded by Mr. Bellissimo, to authorize the Planning Department to seek Lead Agency status and initiate a SEQR Coordinated Review for this project. Carried.

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

Engineering Department comments have been filed with the Planning Department.

Bayview Road/Route 5 Business Park Pre-Permitted Site Incentive Concept Application

Mr. Reilly stated that on January 23, 2012 the Town Board determined that the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) is complete and ready for public review and input.

Mr. Reilly stated, for the record, that he is the author of the DSGEIS and therefore will not be reviewing it. He noted that the Planning Board members will be providing input to him regarding the document and he will respond to each comment received.

Mr. Reilly stated that based upon the responses received regarding the document, the Planning Board will help the Town Board create a Findings Statement, which will set those parameters that will be in place that will determine if a potential user will be able to avoid the Planning Board review process for his/her project and proceed to obtaining Building Permits and other permits for approval.

Mr. Reilly stated that Board members will have to agree on what the Board's comments will be regarding the DSGEIS.

Mr. Schawel asked about the status of the home on Lakeview Avenue that is not owned by the Hamburg New York Land Development Corporation (HNYLDC) but is surrounded by the HNYLDC project site. Mr. Reilly stated that the property is zoned industrial and the DSGEIS drawings show buffers around it. He further noted that the HNYLDC is attempting to purchase the property.

Mr. Reilly stated that the Town Board will hold a public hearing on this project on February 27, 2012 and comments will be accepted through March 9, 2012.

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

Town of Hamburg
Planning Board Meeting
February 15, 2012
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting on Wednesday, February 15, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Peter Reszka, Vice-Chairman Sasha Yerkovich, Gerard Koenig, Stephen McCabe, David Bellissimo, Doug Schawel and Dan O'Connell.

Others in attendance included Andrew Reilly, Sarah desJardins, Richard Lardo and Attorney Cheryl McFadden Zak.

Public Hearing - Crown Court, LLC

Mr. McCabe read the following public hearing notice:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by Crown Court, LLC regarding property located at 5360 Southwestern Boulevard. The applicant proposes to construct a 9,500 square foot retail building. In accordance with the Town of Hamburg site plan ordinance, a Public Hearing will be held on February 15, 2012 at 7:00 p.m. in Room 7B of Hamburg Town Hall."

Mr. Bellissimo made a motion, seconded by Mrs. Yerkovich, to remove this item from the table. Carried.

Andrew Gow from Nussbaumer & Clarke, representing the applicant, stated that the proposal is to construct a 9,500 sq. ft. building on the outparcel in front of the existing Wal-Mart store. He further stated that Crown Court, LLC would own the building and Shoe Show would rent one half of the building. He noted that Crown Court LLC is looking for a tenant for the other half.

Mr. Gow stated that the proposed building would be a one-story brick veneer structure and is intended to complement the existing Wal-Mart building. He further stated that he understands that Board members are concerned about the aesthetics of the rear of the building, which would face Southwestern Boulevard, and he is currently working with the applicant to address that concern.

Chairman Reszka stated that this is the first time the Board has been told that there would be two (2) tenants in the building and asked Mr. Gow when this decision was made. Mr. Gow responded that he was informed of this change one week prior to this meeting.

In response to a question from Chairman Reszka, Mr. Gow stated that the number of proposed parking spaces is based on the total square footage of the building, rather than just the part of the building Shoe Show would occupy. He further stated that Crown Court, LLC has an access and parking easement with Wal-Mart in case additional parking spaces are ever needed at the outparcel.

Mr. Reilly stated that if the second tenant is not a retail operation (a restaurant, for example) the applicant would have to return to the Planning Board to determine if the provided number of parking spaces is adequate.

Mr. Koenig asked Mr. Gow if this project will reduce the number of available parking spaces for Wal-Mart. Mr. Gow responded that only two (2) parking spaces would be eliminated from the south section of the Wal-Mart parking area.

Bayview Road/Route 5 Business Park Pre-Permitted Site Incentive Concept Application

Mr. Reilly informed Board members that on February 27, 2012 the Town Board would be holding public hearings on the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) and the pre-permitting of the site.

Mr. Reilly asked each Planning Board to provide any comments or concerns regarding the DSGEIS. Comments were as follows:

- Mr. Koenig stated that the document is very well done. He asked why the document states that if development occurs along Bayview Road the distance between driveways must be at least 220 feet.
- Mr. McCabe stated that he has no concerns or comments regarding the document, noting that it is very well done.
- Mr. Schawel stated that he is still digesting the document. He further stated that he is a bit concerned that there are so many restrictions that it might defeat the purpose of the process. He stated that he has concerns about the properties within the project area that are not owned by the applicant.
- Chairman Reszka had questions regarding section 3.7.4 (other utility services), section 5.7 (façade material of and signage for buildings facing Route 5 and Bayview Road), section 7.2.3 (aesthetics of the structures – rooftop mechanics) and section 7.2.9 (green space/buffer areas). He asked if research was ever done to investigate the possibility of installing an exit road parallel to the railroad and coming out onto Milestrip Road instead of an entrance out to Route 5.
- Mr. Bellissimo asked what the height of a required berm would be (section 7.3).
- Mr. O'Connell stated that he is still reviewing the document.

Mr. Koenig made a motion, seconded by Mr. Bellissimo, to approve the minutes of February 1, 2012. As there were six (6) ayes and one (1) abstention (Mr. McCabe), the motion carried.

Mr. Bellissimo made a motion, seconded by Mr. Schawel, to adjourn the meeting. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Stephen J. McCabe, Secretary

Planning Board

Date: February 28, 2011

Rountree, Mark

From: Kernyczyj, Natalie
Sent: Tuesday, February 28, 2012 1:22 PM
To: Rountree, Mark
Cc: Salah, Mutasem
Subject: RE: Pre-permitted Industrial Park

Hi Mark,

The DSM has no additional comments to the ones sent on 12/8/2011 and copied below:

Subject:

Hi Mark,

The DSM has reviewed the SEQRA submittal for the above-mentioned project and has the following comments:

1. The proposed project is in the (T) Hamburg and ECSD #3.
2. DSM approval of the sanitary sewer is required and ECDOH approval may be required if an 8" sanitary sewer extension is proposed..
3. The developer/contractor must submit sanitary sewer design drawings to Matt Salah, P.E. of this office. The drawings must be in accordance with the *Erie County Sewer District Rules and Regulations and Design Requirements*.
4. The design engineer is encouraged to discuss preliminary sewer design prior to submitting plans.
5. Inflow and infiltration removal may be required.
6. State and Federal regulations regarding wetlands is required.

The DSM does not oppose to the Town of Hamburg acting as lead agency.

The above comments do not constitute DSM approval or disapproval of this project.

If you have any questions, please call me at the number below or E-mail me.

Natalie

3.2.5.SEQRA

Thanks

Natalie Kernyczyj | 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.Kernyczyj@erie.gov | <http://www.erie.gov>

From: Kernyczyj, Natalie

2/29/2012



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FIVE
100 SENECA STREET
BUFFALO, NY 14203
www.nysdot.gov

DARRELL F. KAMINSKI, P.E.
ACTING REGIONAL DIRECTOR

JOAN McDONALD
COMMISSIONER

March 29, 2012

Andrew Reilly
Town of Hamburg Planning Department
S-6100 South Park Avenue
Hamburg, New York 14075

RE: SEQR/SITE PLAN REVIEW
Lake Erie Commerce Center
Bayview Road and NYS Route 5
Town of Hamburg

Dear Mr. Reilly:

We reviewed the information submitted for the subject project and have the following comments:

- The January 2012 Traffic Analysis concludes that an increase of 100 additional trips to this development in either the AM or PM peak hour will not significantly degrade the level of service on nearby intersections. With respect to intersections under NYSDOT jurisdiction, we agree that an increase of 100 trips in the peak hours will not have a significant impact.
- When the threshold of 100 additional trips is met, a new traffic study should be prepared before any further development is approved.
- NYSDOT has a planned highway project on NY Route 5 at Bayview Rd, PIN 5134.37. Various options to reconfigure access to/from the highway median are being evaluated for this project. The project is currently scheduled to begin construction in 2015.
- A NYSDOT Highway Work Permit will be required if any work is proposed within the State Highway Right-of-Way. Additional site engineering review will be done as part of the Highway Work Permit process. This letter does not constitute approval for the purposes of a Highway Work Permit.

If you have any questions or comments, please contact me at 847-3575.

Sincerely,

EDWARD S. RUTKOWSKI, P.E.
SEQR/Site Plan Review Coordinator

ESR/lk

Traffic Safety Advisory Board Minutes
March 8, 2012 Meeting

Attendance: J. Giglio, G. Paolini, C. Gillette, M. Gallerani, L. Dunne, P. Reszka, M. Bennett, P. Ryan

Absent: N/A

Excused: G. Triepel, J. Kleinfelder, P. Bapst

Guest: Frontier Central Students

- 1 January Minutes accepted. J.G. /L.D. (February Mtg. Cancelled)
2. Sign Inspection by TSAB members still in progress
3. TSAB passed resolution for installation of Stop sign on Mosey Ln. @ It's intersection with East Highland Ave. J.G. /L.D.
4. TSAB passed resolution for installation of Be A Good Neighbor – Slow Down Signs L.D./ G.P.

At the following locations:

Shadow Ln. @ Center Street
Woodsfield Dr. @ Center Street

5. The Traffic Safety Advisory Board makes the following recommendations to the Planning Board on the Lake Erie Commerce Center Pre- Permitted Site:
 1. No Parking Anytime signs be installed on North and Southside of Bay View Rd. from its terminus with Route 5 east to Railroad Tracks.
 2. Recommend an engineering study be conducted by the Towns Engineering Office on sub-structure of Bay View Rd to maintain integrity with subsequent Addition of heavy traffic.
 3. In the event of permanent closure of Bay View Rd. @ anytime after site is open, Flashing Yellow Warning Lights be installed on Big Tree Rd. East and West of Rail Road underpass to warn truck traffic of low clearance.

Site Plan Review:

Woodland Drive, @ Taylor Rd., Turn around drives be provided on all building lots.

No New Business, Meeting Adjourned. J.G. / G.P.

February 27, 2012

Town Board of the Town of Hamburg
c/o Hamburg Town Clerk Catherine Rybczynski
6100 South Park Ave.
Hamburg, NY 14075

RECEIVED

FEB 29 2012

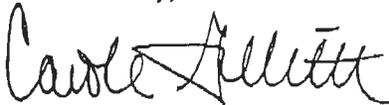
TOWN OF HAMBURG
PLANNING DEPT.

Dear Town Clerk Rybczynski,

Please find attached my list of comments and input on the proposed DSGEIS on the Pre-Permitted Site Designation application and the Pre-Permitted Site application from the Hamburg New York Land Development Company for approx. 145 acres of land situated along Bayview Road at its intersection with NYS Route 5.

I was at the public hearing this evening and I addressed some of these comments but felt pressured to keep it brief so I am submitting my complete list in writing. I am curious to know what the next step is – who answers my questions and how will I know if any of my comments made a difference?

Sincerely,



Carole Gillette
4035 Harwood Ave.
Blasdell, NY 14219

cc: Planning Department - Sarah Dejardins

- Wildlife – who will be responsible for the control of the migration of wildlife from this site when development of the site starts? The animals will either inundate our neighborhood or head toward the 6 lane highway.
- Air quality concerns – our residential area could be affected by “legal” but offensive odors that would naturally drift in our direction because we are “down wind” of this project. An example is the frequent offensive odor we already experience is from the Erie County Sewage Treatment Plant. What regulations or restrictions will be set to protect us from any offensive odors from this site?
- Under the Land Use and Zoning sections - the Town is proposing a list of unacceptable businesses for this project. We are proposing the owner and/or developer have a list of acceptable businesses for this site. Just in case we overlooked something unacceptable and are stuck with it because it was not on the unacceptable list.
- Building height restriction? Currently the Town has no height restriction on projects – will there be one set for this project within the PrePermitted Site Requirements. And also will there be any restriction for how deep (underground) any of these businesses can go?
- Would like to suggest alternatives for delivery vehicles that arrive hours before the businesses open and don't have anywhere to wait. Either a shared lot within the park or requiring each business to accommodate this issue. This would be in lieu of these vehicles parking along the roadway like they do in Ravenwood. Also would suggest a turnaround area for truck traffic within each site so they don't have to either back out onto the roadway or back in from the roadway.
- Will the projects storm & sewer lines be separate from the residential lines? Envisioning possible problems if they are not.
- The Solid Waste Management section refers to “on site hazardous waste disposal” -- does this mean we are allowing businesses that create hazardous waste?
- Could the surrounding areas energy supply be affected by this project? Could we experience “brownouts” because of the industrial usage - if so how can we avoid it?
- During development there will be unavoidable adverse environmental impacts but how do we keep them to a minimum? Such as blasting – how are the surrounding developed areas protected against any possible damage because of blasting? Also, fugitive dust – will contractors be required to keep the area clean constantly during construction? As dirt, dust and debris left on the roadway would create a constant fugitive dust problem.
- Tax incentives – concerned about the current trend of businesses abandoning their buildings when tax incentives have ended. Is it possible to include some type of requirement that an unsold building has to be demolished within a specified time frame? So don't have to contend with abandoned buildings.
- Since this is an industrial project will the site be included in the Federally Mandated National Air Monitoring Stations Network & the State Local Monitoring Stations Network?
- Noise levels are not established in the Town Noise Ordinance, but exterior noise levels should be addressed by the zoning restrictions that limit dissemination of noise beyond property boundaries – will this be part of the PrePermitting Site Requirements?

- There are concerns about what was used by Bethlehem Steel to fill in the demolished residential section of this site? Will there be any testing of that area before development starts?
- Will each developed site be required to leave any green space? And if so how much per site?
- Is there a maximum number of sites projected? Will there be a minimum site size?
- Figure 11 shows a detention basin alongside Bayview Road – I'm concerned about any basin or pond alongside any roadway for safety reasons. Especially if it is not enclosed somehow.
- Thresholds for Future Environmental Review are saying that if a proposed project does not meet all of the PrePermitted Requirements that the Planning Board can still approve the project? Why? I thought one of the reasons for the PrePermitted Requirements was to avoid haphazard approvals and keep the development consistent.
- There are many homes, a few schools and many businesses within a 2 miles radius of this site, what safety precautions will be taken for any type of industrial disaster by the Town and/or by industrial park itself?
- Who will be responsible for maintenance and upkeep of any common areas and any problems within this site once it is fully developed? Will there be a park "owner"?

Last but definitely not least:

- Transportation – If this project wants to be "shovel ready" I believe the roadway needs to be in whatever configuration is decided to be the safest for full development - because once sites start being sold off rearranging the roadway won't be feasible. Personally I believe Exhibit 21 in the Final Generic Environmental Impact Statement of 1999 is the safest long term resolution for this area. Which as we know dead ends Bayview Road at the railroad tracks and at its current intersection with Route 5 at the deadly "crossover" on both sides of Route 5 and restructures Bayview Road to intersect with Route 5 at the northern most area of the site to connect with a restructured Hoover Road. And I'm assuming ideally with a traffic light – which would make the entire area the safest it can be. If the lack of municipal funds is going to be used as a reason not to upgrade the roadways in this area I would like to remind the Board that in other developments within the Town the developer has been made responsible for these types of upgrades. And if these upgrades happen will Bayview Road still be a Town road or will it become private since it will just service the "park"?

But if Bayview Road is not dead ended at the railroad tracks it will have to be upgraded to accommodate the increased eastbound traffic to at least the Big Tree Road intersection. Upgrading should include widening the road, adding shoulders and sidewalks for the safety of the area residents. Even though within "Alternative 3" it states "All projects will have the requirements of restricting trucks from driving east on Bayview Road when exiting site....." the area residents and I know from experience of the Ravenwood Park truck traffic (which has the same "restriction") that this type of restriction does not work, it is not enforceable and gives a false sense of security to the residents of the area. I truly believe that this project and the PrePermitting Site Requirements should not be approved until these serious traffic issues have been addressed and approved by all agencies involved.

Andrew Reilly

From: sdesjard [sdesjard@townofhamburgny.com]
Sent: Thursday, March 08, 2012 10:48 AM
To: Andrew Reilly
Subject: Fwd: Public comment on Lake Erie Commerce Center Pre-Permitted SiteApplication

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

From: <carolwithane@roadrunner.com>
To: "sdesjard@townofhamburgny.com" <sdesjard@townofhamburgny.com>
Date: Wed, 7 Mar 2012 22:18:32 -0500
Subject: Public comment on Lake Erie Commerce Center Pre-Permitted Site Application

Hi Sarah,

Just left the meeting and have to add to my list while it is still fresh in my brain:

From my original list:

Alternatives for delivery vehicles - actually meant accommodating delivery vehicles during the business's "off" hours. An example is a delivery truck arriving at 3:00am and there is no one at the business to give them access, especially if their driveway has a security gate - they are going to need to have some where to wait until the business is open.

We have a Traffic Safety meeting tomorrow night and these are the issues I am going to present to them to act on, if they so wish. If for whatever reason they don't I would like to add them as public comment from me, as a resident:

Setting an suitable minimum driveway width - to accommodate oversized vehicles.

"No Parking Anytime" restriction on both sides of Bayview Road within this site.

Turn around area in each site for delivery/pick up vehicles so they don't have to back in from or back out into the street.

Pedestrian access from Route 5 for possible future bus stop in the area of this site.

And now until the traffic thresholds are met Bayview Road east to at least Big Tree Road will need to be upgraded to accommodate the increase traffic- which should include widening the road, adding shoulders and sidewalks. As I stated in my original list - we know from experience that the requirement of restricting traffic from this site eastbound is no enforceable and will not happen. So we should put the burden of this upgrade on the owner/developer of this site and it should be started as soon as this Pre-Permitting issue is approved.

Thanks for your patience,

Carole

Draft Generic Environmental Impact Statement

Lake Erie Commerce Center

EXECUTIVE SUMMARY

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

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

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

Environmental Quality Review of the Project Pursuant to SEQRA

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

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

Draft Generic Environmental Impact Statement Lake Erie Commerce Center

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

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

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

Potential Adverse Environmental Impacts

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

- Land and Soils

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

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

- Water Resources

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

Draft Generic Environmental Impact Statement Lake Erie Commerce Center

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

- Ecological Resources (Vegetation and Wildlife)

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

- Floodplains

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

- Climate and Air Quality

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

- Land Use and Zoning

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

Draft Generic Environmental Impact Statement Lake Erie Commerce Center

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

- Transportation

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

- Local Waterfront Revitalization Area Consistency

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

- Cultural Resources

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

Draft Generic Environmental Impact Statement Lake Erie Commerce Center

- Visual Resources

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

- Public Utilities and Infrastructure

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

- Solid Waste Management

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

Draft Generic Environmental Impact Statement Lake Erie Commerce Center

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

- Energy Utilization

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

Unavoidable Adverse Environmental Impacts

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

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

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

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

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

Draft Generic Environmental Impact Statement Lake Erie Commerce Center

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

Cumulative and Growth Inducing Impacts

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

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

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

Draft Generic Environmental Impact Statement Lake Erie Commerce Center

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

Project Alternatives

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

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