

FINAL ENVIRONMENTAL IMPACT STATEMENT

Proposed Project:

Hamburg Crossings Retail Center

Project Location:

**5220 Camp Road (NYS Route 75), southwest of the NYS Thruway
(I-90) interchange
Town of Hamburg, Erie County, New York**

Project Sponsor / Applicant:

**Benderson Development Company, LLC
570 Delaware Avenue
Buffalo, New York 14202**

Lead Agency:

**Town of Hamburg Town Board
56100 South Park Avenue
Hamburg, New York 14075**

March 9, 2009

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

PROPOSED HAMBURG CROSSINGS RETAIL CENTER
TOWN OF HAMBURG, ERIE COUNTY, NEW YORK

Positive Declaration Issued:	July 16, 2007
Public Scoping Session Held:	August 1, 2007
Final Scope Accepted:	September 10, 2007
Draft Environmental Impact Statement Accepted by Town Board:	March 10, 2008
Public Hearing held on DEIS:	April 14, 2008
Final Environmental Impact Statement Accepted by Town Board:	March 9, 2009
Contact Person:	Andrew C. Reilly, PE, AICP Hamburg Town Planning Consultant S6100 South Park Avenue Hamburg, New York 14075 Phone: (716) 649-2023 or (716) 688-0766

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

PROPOSED HAMBURG CROSSINGS RETAIL CENTER
TOWN OF HAMBURG, ERIE COUNTY, NEW YORK

TABLE OF CONTENTS

Description	Page	
1.0 Executive Summary	1	
2.0 Draft Environmental Impact Statement	1	
3.0 Revisions to the Draft Environmental Impact Statement	2	
4.0 Supplements to the Draft Environmental Impact Statement	5	
5.0 Substantive Comments to the Draft Environmental Impact Statement	5	
Appendix	Description	
Appendix A	Concept Site Plans and Building Elevations.....25	
Appendix B	Revisions and Supplemental Information to the DEIS34	
Appendix C	Correspondence	84
Appendix D	Comments Received on the DEIS	99

1.0 EXECUTIVE SUMMARY

1.1 PROJECT DESCRIPTION

The proposed action involves the development of a 79.93 acre site, formally of Leisure Land, a truck stop, and a Days Inn, into a retail/ restaurant/ hotel center called Hamburg Crossings. The proposed development consists of the rezoning of 9.11 acres of land zoned Local Retail Business District, C-1, and 10.85 acres of land zoned Light Industrial District, M-2, to General Commercial District, C-2. Approximately 48.0 acres will remain as C-2 zoning and approximately 12.0 acres will remain zoned as Residential- Agriculture District, R-A, that, in addition to other lands, will total 17.4 acres of land to be dedicated to the Town of Hamburg as a conservation easement along the eastern, southern, and western boundary of the property. Development of the site is proposed in two phases. Phase 1 will consist of 440,893+/- square feet of development. Phase 2 will consist of an additional 211,920+/- square feet of development (for a total of 652,813+/- square feet) and a 115 room hotel. The development proposes to utilize two existing access points onto Camp Road.

1.2 FINAL ENVIRONMENTAL IMPACT STATEMENT

This document is the Final Environmental Impact Statement (FEIS) for the Hamburg Crossings Retail Center. The FEIS was developed pursuant to 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

The Town of Hamburg Town Board, as SEQR Lead Agency, declared that the proposed Hamburg Crossings may have a significant impact on the environment on July 16, 2007 and required that the project sponsor, Benderson Development Company, LLC, prepare a Draft Environmental Impact Statement (DEIS). The purpose of the DEIS is to assess the potential environmental impacts associated with the proposed project. The applicant submitted a DEIS to the Town of Hamburg on January 2, 2008. The DEIS was deemed to be complete and was accepted by the Town Board on March 10, 2008 for review by all Involved and Interested Agencies and the public. The DEIS was made available to the public at the Town Clerk's Office, S6100 South Park Avenue, Hamburg, New York, and on the Town's website at www.townofhamburgny.com. The Town Board held a Public Hearing on the DEIS at the Town Hall on April 14, 2008 to allow the public to comment on the submitted DEIS for the project.

The Hamburg Crossings Retail Center FEIS includes any revisions and/or supplements to the DEIS, summaries and copies of the Substantive Comments and their source, and the Town Board's, as Lead Agency, responses to all Substantive Comments.

2.0 DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Draft Environmental Impact Statement for the proposed Hamburg Crossings was submitted by the project sponsor, Benderson Development Company, LLC, to the Town of Hamburg, as SEQR Lead Agency, on January 2, 2008. The DEIS, was deemed to be complete and accepted for public review by the Town Board on March 10, 2008 and a Public Hearing on the DEIS was held April 14, 2008. The DEIS shall form part of this FEIS and is incorporated by reference.

3.0 REVISIONS TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

- A. In numerous areas of the DEIS, an intersection was misidentified as Route 20/Legion Drive, which should have been identified properly as Route 75/Legion Drive. It appears on the following pages, and should read as shown below:

Page 1-18: The last paragraph on this page reads:

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

It should read, with change in bold:

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

Page 3-15: Under section 3.5.1.1, item number one reads:

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

It should read, with change in bold:

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

Page 4-2: Number 1 under Potential Impacts to Transportation reads:

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

It should read, with change in bold:

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

Appendix 7, Page iv: Number 1 under Conclusions and Recommendations reads:

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

It should read, with change in bold:

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

Appendix 7, page 18: Under Section VIII Conclusions and Recommendations, number 1 reads:

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

It should read, with change in bold:

1. Signal timing adjustments are recommended at the Route 75/Legion Drive and Route 20/Route 75 intersections as a result of the proposed development.
- B. As noted as comment number 8 in the letter from the New York State Department of Environmental Conservation, dated April 23, 2008, the Wetland Delineation Report, provided as Appendix 9 of the DEIS, was missing page 17. The following represents the information from page 17 (page 17 of the Wetland Delineation Report is also included in Appendix B of this FEIS):

Five wetland areas totaling 7.22± acres were identified on-site during the course of a field investigation based upon the three parameter technique (vegetation, soils, and hydrology) outlined in the U.S. Army Corps of Engineers Manual. It is EDI's professional opinion that wetland areas 4 and 5 and possibly 3, as depicted on Figure 7 of the Wetland Delineation Report, are isolated and do not appear to meet the current interpretation of federally jurisdictional wetlands. Wetland areas 1 and 2 are part of the tributary drainage system to Lake Erie and would likely be considered under the jurisdiction of the U.S. Army Corps of Engineers.

The U.S. Army Corps of Engineers and New York State Department of Environmental Conservation approach their regulatory analyses by first considering avoidance of wetlands and minimization of wetland losses. EDI recommends the following:

1. *If no impacts to potential federally regulated wetlands, it is the professional opinion of EDI that the project may proceed without the need for an Article 24 or Section 404 permit.*
 2. *If wetland impacts are proposed to be less than 0.10 acres of potential federally jurisdictional wetland area, it is EDI's recommendation that the project may proceed under the current Nationwide 39 permit (valid until March 17, 2007) without the need for pre-notification to the U.S. Army Corps of Engineers. We strongly suggest the applicant thoroughly review the conditions of this permit. The permit language and other pertinent information can be found at http://www.usace.army.mil/inet/functions/cw/cecwo/reg/nationwide_permits.htm.*
 3. *If wetland impacts are proposed to be greater than 0.10 acres of potentially federally jurisdictional wetland area (including wetland areas EDI feels are isolated and non-jurisdictional), we recommend that this report, along with a Joint Application for Permit and required supporting documentation, be submitted to the U.S. Army Corps of Engineers...*
- C. As noted by the New York State Thruway Authority's comment letter, the DEIS needs to mention that there are general guidelines to be followed when constructing advertising devices in the vicinity of the Thruway right-of-way. Chapter 1, Section 1.7 Regulatory Compliance of the DEIS is revised to add the following statement:

Sign Permit

There are certain circumstances where placement of an advertising device in the vicinity of the NYS Thruway right-of-way will require the need for a permit. The decision for granting these permits is subject to NYS Thruway Authority review and approval. The New York State Thruway Authority's Rules and Regulations, Part 105. Advertising Devices and General Guidelines Pertaining to Advertising Devices will be referenced and any approvals and permits required will be obtained prior to constructing any signage at the site. The document is included in Appendix B of the FEIS.

- D. In response to the New York State Department of Transportation comments, the developer has evaluated several transportation improvement scenarios for phased development.

The developer has submitted a revised Traffic Impact Study (TIS) for Hamburg Crossing, dated January 2009 and included in Appendix B of this FEIS. The revised TIS evaluated the project developed in two phases along with the potential impacts and proposed mitigation for each. Phase 1 will include 440,893+/- square feet of retail development and Phase 2 includes an additional 211,920+/- square feet of retail space and a 115 room hotel for a full build-out to include 652,813+/- square feet of retail space and a hotel. For each phase, alternative mitigation scenarios were presented. The preferred alternative for Phase 1 proposes the following mitigation measures:

1. Traffic signal timing adjustments at the Camp Road/ Southwestern Boulevard intersection.
2. Traffic signal timing adjustments at the Camp Road/ Highland Avenue intersection.
3. Traffic signal timing adjustments at the Camp Road/ Legion Drive intersection.
4. 120 second cycle length at the Camp Road/ site drive intersection rather than 90 seconds.
5. Reconstruct Commerce Place to include 2 exiting lanes (1 right turn lane and 1 left turn lane) and 1 entering lane.
6. Construct a new site drive to the northwest of the New York State Thruway interchange to consist of 3 exiting lanes (2 left turn lanes and 1 right turn lane) and 2 entering lanes.
7. Install a new three-color, multi-phase traffic signal at the intersection of Camp Road and Commerce Place to accommodate a permitted/ protected northbound Camp Road left turn phase and a westbound Commerce Place right turn overlap phase.
8. Install a new three-color, multi-phase traffic signal at the intersection of Camp Road and the new site drive to accommodate a permitted/ protected northbound Camp Road left turn phase and an eastbound site drive right turn overlap phase.
9. Install "no turn on red" signage for the eastbound approach of the site drive.
10. Re-stripe the existing Camp Road center turn lane to provide a 425 foot (350 feet with 75 foot taper) northbound left turn lane at the new site drive.
11. Install a 50 foot long channelized right turn lane on southbound Camp Road at the site drive to be utilized by vehicles entering the site.
12. Install signage on Camp Road southbound informing motorists of access to the site via the site drive and access to the New York State Thruway ramp beyond the site drive.
13. Install signage on the New York State Thruway exit ramp to direct motorists to use the Camp Road southbound ramp to access the site via Commerce Place.
14. Install appropriate pedestrian facilities.
15. Conduct a post-construction analysis upon completion of Phase 1, or after the 5-year full-build timeframe, whichever comes first, to evaluate operating conditions.

The supplemental traffic analysis states that additional traffic mitigation measures will need to be implemented as part of Phase 2. When the developer decides to proceed with Phase 2, they will be required to implement one of the mitigation alternatives, as deemed

necessary and feasible by the Town Board, New York State Department of Transportation, and New York State Thruway Authority. Mitigation alternatives include:

1. Construct two additional 325 foot long southbound lanes on Camp Road (1 through lane aligned for the New York State Thruway ramp and 1 right turn lane to the site drive).

OR

1. Realign the New York State Thruway ramps to become an at-grade, 4-legged intersection with Camp Road and a new site drive.
2. Install three new traffic signals on Camp Road: 1 at the site drive intersection, 1 at the at-grade intersection of the New York State Thruway ramp, and 1 at the Commerce Place intersection.

OR

1. Realign the New York State Thruway ramps to become an at-grade, T-intersection with Camp Road.
2. Install three new traffic signals on Camp Road: 1 at the site drive intersection, 1 at the at-grade intersection of the New York State Thruway ramp, and 1 at the Commerce Place intersection.

4.0 SUPPLEMENTS TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Supplemental information to the Draft Environmental Impact Statement is provided in Appendix B of this Final Environmental Impact Statement and includes:

1. Revised Traffic Impact Study – January 2009.
2. Page 17 of the Wetland Delineation Report provided as Appendix 9 of the DEIS.
3. New York State Thruway Authority – Rules and Regulations, Part 105. Advertising Devices and General Guidelines Pertaining to Advertising Devices.
4. A landscape buffer option with associated cross-section for the areas buffering the project site from adjacent residential areas.
5. A photometric lighting plan showing illumination levels on-site and at the property boundaries.
6. A description of the type of lighting proposed for the site.

5.0 SUBSTANTIVE COMMENTS TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Town of Hamburg Town Board, as Lead Agency, has determined that the following comments/ questions, submitted by Involved and Interested Agencies and the public during the Hamburg Crossings Retail Center Draft Environmental Impact Statement public review period, which included a Public Hearing held April 14, 2008, are substantive in nature. These Substantive Comments are addressed in the Final Environmental Impact Statement. This section includes summaries of all verbal and written Substantive Comments, along with the Lead Agency responses for each. The Lead Agency's responses are shown in "bold text" below each comment.

A copy of each of the written Substantive Comments received during the DEIS public review period are included in Appendix C and Appendix D. Verbal comments are included in Appendix D through a summary of the April 14, 2008 Public Hearing.

Written Comments from the New York State Department of Environmental Conservation (NYSDEC), dated April 23, 2008

5.1 Comment

Our Division of Water staff has indicated that Sewer Extension Approval, after proper hydraulic capacity review, should be a routine approval by this Department and the Erie County Health Department. No significant sewer line deficiencies have been identified by this office.

Response

Comment noted for future reference.

5.2 Comment

The project sponsor should consult with the U.S. Army Corps of Engineer staff in order to determine whether Water Quality Certification will be necessary for the project and then notify this office of the at requirement.

Response

The developer has been in contact with the U.S. Army Corps of Engineers as requested. Since there are no proposed impacts to wetlands that fall under the jurisdiction of the Federal Government, no Water Quality Certification will be necessary to satisfy concerns of the U.S. Army Corps of Engineers. If any impacts are proposed to federal jurisdictional wetlands that are greater than 0.10 acres (including wetland areas that are isolated and non-jurisdictional), the developer shall file a Joint Application for Permit and submit required supporting documentation to the U.S. Army Corps of Engineers.

5.3 Comment

The DEIS correctly identifies the need to obtain a General Permit (Section 4, page 1) but it should be pointed out that the permit and standards regarding stormwater have been changed (for instance, the 5-acre threshold has been changed to 1-acre) and the project's design must ensure that the new standards are met.

Response

The developer will obtain the necessary permits and conduct all construction activities in compliance with the SPDES requirements.

5.4 Comment

Paraphrasing, the comment notes that the project sponsors consultants did not find evidence of a gas well that NYSDEC records indicate previously existed within the project area. The comment goes on to note that, "After the required contact to Department staff occurs, a site inspection will be scheduled (if necessary) to ensure that there will not be any public safety problems related to the well. Please make sure that this occurs rather than relying on an inspection that did not find the well but also certainly did not verify that it had been correctly plugged."

Response

Officers of Great Lakes Environmental and Safety Consultants, Inc. (GLESC) were retained by the developer to investigate the gas well onsite identified by NYSDEC. In a letter from Albert G. Lyons, of GLESC to Mr. Michael DePriest of Benderson Development Company,

LLC, dated June 8, 2008, GLESC reported the following: Based on our review of available records, natural gas well #31029036240000 located at 5220 Camp Road, Hamburg, New York, is no longer present. NYSDEC shows the well's status as inactive. Previous contact with NYSDEC indicated that they have no records on this well, which indicated that it has been plugged and abandoned. Also, contact made with Charles Thropp on June 2, 2008, of NYSDEC Oil and Gas Division, which is the same as the Division of Mineral Resources, revealed NYSDEC has no records for the well. A visual inspection does not reveal the presence of a well.

5.5 Comment

An archaeological investigation was conducted on site and the NYS Office of Parks Recreation and Historic Preservation (OPRHP) has concurred with the archaeological consultants report and stated that the project should not have any significant impact on cultural resources.

Response

Comment noted for future reference.

5.6 Comment

In our previous letter, we identified that the site does contain a limited amount of 100-year floodplain as presently mapped by the Federal Emergency Management Agency. From our cursory review, it does not appear that development is proposed in that floodplain and we believe that such avoidance is a wise design feature.

Response

Comment noted for future reference.

5.7 Comment

Appendix 4 apparently is supposed to contain all relevant agency correspondence submitted in respect to scoping and early review of the DEIS. We note that our July 2, 2007 letter was not included in Appendix 4, even though Benderson Development Company, LLC was also provided with a copy of that letter. A copy of that letter and this letter should be provided in any Supplemental DEIS that may be prepared or the Final EIS. Obviously, without being able to review page 17, we cannot conclude that what was written there regarding this Department was factual or accurate.

Response

The NYSDEC letter has been included in the SEQR record and is included in Appendix D (Correspondence) to this document. The page 17 omitted from the Wetland Delineation Report in Appendix 9 of the DEIS is paraphrased above in section 3.0 (Revisions to the Draft Environmental Impact Statement) and is included in Appendix B of this document.

5.8 Comment

Appendix 9 of the DEIS contains the Earth Dimensions, Inc. Wetland Delineation Report dated November 15, 2006. We note that page 17 (in both volumes of the DEIS we received) is missing. Page 18 mentions the "New York State Department of Environmental Conservation for their jurisdictional determination and/or required permits" however, the preceding page, which apparently was saying something related to our permitting authority, is not included in the DEIS. Please include them in any Supplemental DEIS that may be prepared or the Final EIS.

Response

The page 17 omitted from the Wetland Delineation Report in Appendix 9 of the DEIS is paraphrased above in section 3.0 (Revisions to the Draft Environmental Impact Statement) and is included in Appendix B of this document.

5.9 Comment

Paraphrasing, the comment notes that the current DEC requirements require that EIS's must be published and available for review on a publicly accessible website for a period of 1 year after all approvals are granted.

Response

Both the DEIS and FEIS will be published and available for public review on the Town of Hamburg's website (www.townofhamburgny.com) for the duration of the period prescribed in law.

Written comments from the New York State Department of Transportation (NYSDOT), dated February 18, 2009

5.10 Comment

Based on the significant number of vehicles projected to use the proposed site driveway on NYS Route 75, a signal would be approved for Phase I development.

Response

Comment noted for future reference.

5.11 Comment

A traffic signal will not be approved at Commerce Place until actual traffic conditions meet the signal warrants. However, we concur with constructing the additional approach lane on Commerce Place at its intersection with NYS Route 75 as recommended in the TIS as mitigation for Phase 1.

Response

A post-construction traffic analysis will be conducted after the completion of Phase 1 of the project (maximum of 450,000 square feet of development), or sooner if there appears to be a need, to determine if/when signal warrants are met at Commerce Place.

5.12 Comment

The TIS proposes that right turns from southbound NYS Route 75 to the proposed site driveway should be channelized via a raised island and to construct a right turn pocket to the greatest length possible. This alternative, also identified in the study as Alternative 1D, appears to be the most desirable of the options considered in the TIS for this intersection. However, the Department has concerns with the excessive extend back to Dartmouth Street and maximum length would extend to Columbia Street.

Constructing two additional southbound lanes on NYS Route 75 at the proposed site driveway was briefly discussed in the TIS for Phase 2 mitigation. The study concluded that there isn't sufficient right-of-way available to construct these improvements. This mitigation would be desirable for traffic generated under Phase 1. However, at the meeting on November 21, 2009, the Department acknowledged that right-of-way constraints may make it difficult to construct.

At that meeting with representatives present from the Town, the Developer, NY State Thruway [Authority] and the DOT, we suggested investigating some other alternatives at this intersection in [an] effort to improve the excessive queue lengths and operational problems that are anticipated with the additional traffic.

One suggestion presented was to explore the use of a shared driveway on NYS Route 75 that would service the subject parcel along with the adjacent parcel to the north. Under this opinion, additional lanes can be constructed on NYS Route 75 with the cooperation of the two adjacent property owners and the transfer of property frontage into highway right-of-way. The shared driveway alternative would provide many benefits to the two property owners as well as the traveling public on NYS Route 75. This option was not considered in the revised TIS and we would like to see this option pursued.

Another alternative we suggested was to explore modifications to the Thruway on ramp from southbound NYS Route 75 that would move it further south. If feasible, the distance between the ramp and the proposed site drive could be increased. This would improve the operational problems associated with the close proximity of the proposed site driveway to the Thruway on ramp. Depending upon the outcome of the shared driveway option and its location, relocating the ramps may not be necessary. This ramp alternative was also not considered in the TIS and should be further evaluated.

Response

- a.) **The property owner to the north of the Hamburg Crossing site has been uncooperative to date and Benderson Development Company, LLC has been unsuccessful in discussions regarding site access and/or off-site mitigation.**
- b.) **Modifications to the Thruway on-ramp from southbound NYS Route 75 have been explored. The existing ramp is located approximately 115 feet south of the proposed driveway (measured from the southerly edge of the driveway to the tip of the gore area of the ramp). The curvature of the ramp could be tightened which would in turn reduce the design speed of the ramp to 25mph. This would allow the ramp entrance to be relocated approximately 285 feet south of the existing ramp providing approximately 400 feet of deceleration lane beyond the proposed site driveway.**

In reviewing the safety conditions surrounding each option (i.e. leave the ramp where it is versus moving the ramp to the south), it is the developer's opinion that moving the ramp to the south may create the potential for higher speed and more severe sideswipe collisions. Motorists traveling south on NYS Route 75 using the travel lane adjacent to the centerline may try to avoid the queuing and speed past the line of cars in the curb lane to cut over to the on-ramp. This is likely to occur more frequently and at higher speeds if there is more space between the driveway and the on-ramp.

After reviewing scenarios for relocating the on-ramp further south, the developer has indicated that they don't believe this is a safer option. In addition, moving the ramp to the south is unlikely to have a significant impact on the southbound NYS Route 75 queuing conditions. Under the existing on-ramp and NYS Route 75 lane configurations, lane use can be regulated for the lane adjacent to the centerlane by

installing a lane use sign (R3-5a) on the spanwire to restrict that lane to thru traffic only.

5.13 Comment

We are concerned with the weaving movement for motorists traveling from the Thruway off ramp to northbound NYS Route 75 that are destined for the Hamburg Crossing development. The TIS states that the weaving maneuver is not a significant safety concern. However, the intersection was not modeled correctly in the TIS resulting in the projected traffic conditions not being accurately depicted. It has been our experience in similar situations that this weaving maneuver to the left turn lane will be difficult. We expressed our concerns at the November meeting and suggested investigating an option to modify the Thruway off ramp so that it intersects NYS Route 75 closer to or at a 90 degree angle. This would provide more distance from the end of the ramp to the proposed left turn lane for Hamburg Crossing. Based on our experience along with the modeling error, we cannot concur with the statements in the TIS that the weaving is not a concern.

Response

As indicated, there are modeling anomalies in the simulation. We are in the process of working through these anomalies with the software manufacturer. However, it is apparent from the simulation that changing the flow of the ramp traffic from a free-flow merge condition, as currently exists, to a more typical intersection with a yield or stop control will likely cause traffic to queue back on the ramp. We would recommend that the traffic destined to Hamburg Crossings is directed to use the NYS Route 75 southbound ramp instead via signage located to direct traffic upon exiting the Thruway toll booths. It is understood that signage for businesses is not permitted on the Thruway. Therefore, it is recommended that the development is either be renamed Commerce Place or that the town road is renamed Hamburg Crossing, that way traffic can be directed to the town road as is currently done with Galleria Drive.

Under the full development conditions identified in the Traffic Impact Study, the traffic projections indicate that 130 AM (192 PM) vehicles per hour (vph) are destined to Hamburg Crossing via the northbound NYS Thruway ramp. This traffic must weave across two lanes of thru traffic with thru traffic volumes on the order of 521 AM (549 PM) vph. Given that the thru volumes are relatively low for two lanes of traffic, this does not raise a significant safety concern. There is approximately 575 feet between the ramp and the northbound stop-bar at the site driveway. Under the Phase 1 conditions, the 95th percentile left turn queue length is under 75 feet, leaving 500 feet for weaving and braking distance. According to the American Association of State and Highway Transportation Officials (AASHTO), the braking distance required to decelerate to a stop from 35 mph is 117 feet. It is unlikely that traffic coming from the ramp would be traveling faster than 35 mph given that they have already made the decision to enter the left turn lane to access the proposed site.

In addition, Phase 1 of the proposed Hamburg Crossing development includes an on-site connector roadway linking the existing Commerce Place to the development and northerly site access intersection. With this connection in place for Phase 1, the majority of traffic traveling to/from the site from the south will utilize Commerce Place, thus lessening the

traffic impacts at the northerly site access and the Thruway northbound off-ramp merge condition.

5.14 Comment

The TIS recommends signal timing adjustments at US Route 20/ Legion Drive and US Route 20/ NYS Route 75 intersections. The Department will monitor these signals and make timing adjustments if and when they are needed based on actual traffic conditions.

Response

Comment noted for future reference.

5.15 Comment

As this project progresses, we will also need to review detailed site plans, a drainage plan, and stormwater management calculations.

Response

The required information will be provided.

5.16 Comment

The Department of Transportation concurs with the draft Findings that were reviewed.

Response

Comment noted for future reference.

Written comments from the New York State Thruway Authority (NYSTA), dated May 13, 2008

5.17 Comment

The DEIS needs to mention that there are general guidelines to be followed when constructing advertising devices in the vicinity of the Thruway right-of-way. There are certain circumstances where placement of an advertising device will require the need for a permit.

Response

FEIS Section 3, C, Revisions to the Draft Environmental Impact Statement, identifies the revisions made to the DEIS regarding signage along Thruway right-of-way.

The developer will reference the New York State Thruway Authority's Rules and Regulations, Part 105. Advertising Devices and General Guidelines Pertaining to Advertising Devices and obtain the required approval and permits needed prior to constructing any signage on the site. The document has been included in Appendix B, Supplemental Information to the Draft Environmental Impact Statement.

5.18 Comment

The DEIS should use more up to date traffic volume data than the 2004 NYSDOT Traffic Volume Report.

Response

The List of References on page iii of the Traffic Impact Study (TIS) submitted with the DEIS cites the 2004 NYSDOT Traffic Volume Report. Page 3 of the Traffic Impact Study also cites the 2004 NYSDOT Traffic Volume Report. These are typographical errors. The data

used in the report was the most up to date information available at the time the report was prepared, which was the 2005 NYSDOT Traffic Volume Report.

The TIS also referenced the NYSDOT Traffic Data Viewer Website. This website has recent traffic volume data and was used to supplement data obtained from the NYSDOT Traffic Volume Report. Figure 4 of the TIS indicates the Average Daily Traffic volumes and the dates for each location where data was available. It is also noted that the daily traffic volumes obtained from these sources are provided for informational purposes and to corroborate the turning movement count data. Daily traffic volumes are not used in any of the calculations or analyses.

Written comments from the New York State Thruway Authority (NYSTA), dated February 23, 2009

5.19 Comment

The [updated traffic impact] study uses outdated 2004 NYSDOT traffic counts which need to be updated to include the latest traffic information.

Response

The most recent traffic count data available at the time of the TIS initiation in January, 2007 were used in the report and analyses. Existing intersection turning movement counts were collected by SRF & Associates at 15 study intersections during the weekday PM and Saturday peak hours during January, March, and September 2007. Most of the traffic count data was newer than 2004.

5.20 Comment

For the first phase of construction, it appears that either Alternative 1C or 1D would be the most acceptable; with 1D being more desirable, as it would create less downstream turbulence for Thruway bound traffic exiting southbound NYS Route 75. We are still concerned about the location of the site drive on NYS Route 75 and its proximity to the Thruway ramps. Of particular concern is the weaving maneuver that would be created for traffic exiting the Thruway ramp to proceed northbound on NYS Route 75 into the proposed site driveway. We believe this will create safety and operational concerns for drivers exiting the Thruway. The report indicates signage on NYS Thruway right-of-way which will be used to prevent this movement, but signage directing patrons to a business is not permitted. This issue has not been adequately addressed with the report.

Response

As indicated, there are modeling anomalies in the simulation. We are in the process of working through these anomalies with the software manufacturer. However, it is apparent from the simulation that changing the flow of the ramp traffic from a free-flow merge condition, as currently exists, to a more typical intersection with a yield or stop control will likely cause traffic to queue back on the ramp. We would recommend that the traffic destined to Hamburg Crossing is directed to use the NYS Route 75 southbound ramp instead via signage located to direct traffic upon exiting the Thruway toll booths. It is understood that signage for businesses is not permitted on the Thruway. Therefore, it is recommended that the development is either renamed Commerce Place or that the town road is renamed Hamburg Crossing, that way traffic can be directed to the town road as is currently done with Galleria Drive.

Under the full development conditions identified in the Traffic Impact Study, the traffic projections indicate that 130 AM (192 PM) vehicles per hour (vph) are destined to Hamburg Crossing via the northbound NYS Thruway ramp. This traffic must weave across two lanes of thru traffic with thru traffic volumes on the order of 521 AM (549 PM) vph. Given that the thru volumes are relatively low for two lanes of traffic, this does not raise a significant safety concern. There is approximately 575 feet between the ramp and the northbound stop-bar at the site driveway. Under the Phase 1 conditions, the 95th percentile left turn queue length is under 75 feet, leaving 500 feet for weaving and braking distance. According to the American Association of State and Highway Transportation Officials (AASHTO), the braking distance required to decelerate to a stop from 35 mph is 117 feet. It is unlikely that traffic coming from the ramp would be traveling faster than 35 mph given that they have already made the decision to enter the left turn lane to access the proposed site.

In addition, Phase 1 of the proposed Hamburg Crossing development includes an on-site connector roadway linking the existing Commerce Place to the development and northerly site access intersection. With this connection in place for Phase 1, the majority of traffic traveling to/from the site from the south will utilize Commerce Place, thus lessening the traffic impacts at the northerly site access and the Thruway northbound off-ramp merge condition.

5.21 Comment

The proximity of the proposed site driveway to the NYS Thruway on-ramp from NYS Route 75 southbound will cause possible conflicts with vehicles merging onto the ramp and vehicles making right turns out of the development and proceeding southbound on NYS Route 75. Although NYS Route 75 is not under the jurisdiction of the Thruway Authority, we would support the relocation of the proposed site driveway to a location further north, away from the Thruway ramps to minimize the overall impact.

Response

- a.) The property owner to the north of the Hamburg Crossing site has been uncooperative to date and Benderson Development Company, LLC has been unsuccessful in discussions regarding site access and/or off-site mitigation.**
- b.) Modifications to the Thruway on-ramp from southbound NYS Route 75 have been explored. The existing ramp is located approximately 115 feet south of the proposed driveway (measured from the southerly edge of the driveway to the tip of the gore area of the ramp). The curvature of the ramp could be tightened which would in turn reduce the design speed of the ramp to 25mph. This would allow the ramp entrance to be relocated approximately 285 feet south of the existing ramp providing approximately 400 feet of deceleration lane beyond the proposed site driveway.**

In reviewing the safety conditions surrounding each option (i.e. leave the ramp where it is versus moving the ramp to the south), it is the developer's opinion that moving the ramp to the south may create the potential for higher speed and more severe sideswipe collisions. Motorists traveling south on NYS Route 75 using the travel lane adjacent to the centerline may try to avoid the queuing and speed past the line of cars in the curb lane to cut over to the on-ramp. This is likely to occur

more frequently and at higher speeds if there is more space between the driveway and the on-ramp.

After reviewing scenarios for relocating the on-ramp further south, the developer has indicated that they don't believe this is a safer option. In addition, moving the ramp to the south is unlikely to have a significant impact on the southbound queuing conditions. Under the existing on-ramp and NYS Route 75 lane configurations, lane use can be regulated for the lane adjacent to the centerlane by installing a lane use sign (R3-5a) on the spanwire to restrict that lane to thru traffic only.

5.22 Comment

Section 8, Number 10, states that a post-development traffic study should be done after phase 1 is complete to evaluate traffic operations at the Thruway ramps intersections. We agree, but how will this be accomplished? And if such analysis shows that alterations are necessary, who will design and complete them? Please advise.

Response

The wording of the Findings Statement will require that the developer conduct a post-construction traffic analysis after the completion of Phase 1 of the project (maximum of 450,000 square feet of development), or after the proposed 5-year build timeframe for Phase 1, whichever comes first, to validate projected traffic volumes and levels of service at key locations that are likely to experience the greatest impact. The new data collection will provide an accurate review of the post-opening traffic conditions and shall be presented to the Town Board, New York State Department of Transportation, and New York State Thruway Authority. If this post-development traffic analysis were to indicate that the project has produced additional impacts than were defined in the original traffic analysis or has failed to mitigate impacts to the extent defined in the Traffic Impact Study, further mitigation may be required by the developer at this time, as deemed necessary by the Town Board, New York State Department of Transportation, and/or New York State Thruway Authority. The developer will be responsible for designing and constructing mitigation measures.

Additionally, the developer will not be permitted to proceed beyond Phase 1 of the project until discussing additional traffic mitigation measures to be implemented with the Town Board, New York State Department of Transportation, and New York State Thruway Authority and until an agreement is reached on implementing an acceptable mitigation alternative that minimizes the traffic impacts of Phase 2 and/or corrects any traffic impacts identified in the post-development traffic analysis of Phase 1 to the maximum extent practicable.

5.23 Comment

The study describes the removal of the existing Camp Road Bridge and the Thruway ramps under a future Alternative 2A, but does not show a proposed design or potential mitigation as part of this alternative. We cannot comment further on this Alternative until more detail is provided.

Response

Alternative 2A does not involve any changes to the Thruway bridge or ramps. Alternative 2B proposes the removal of the existing Thruway bridge and ramps to allow for an at-

grade intersection. If this mitigation alternative is chosen to move forward prior to the development of Phase 2, specific designs will be developed and submitted to the New York State Thruway Authority for their review.

5.24 Comment

The study mentions that alternatives involving the use of roundabouts were dismissed due to opposition from the Hamburg Town Supervisor's office. We believe the roundabout option should be re-considered and analyzed as part of the future Phase 2 alternatives. Please keep this office updated as the Phase 2 alternatives are further developed.

Response

Two alternatives involving roundabouts were evaluated. The Hamburg Town Supervisor and Town Board have indicated that they have concerns over the safety and functionality of a multi-lane roundabout and have thus asked that it not be considered as an option in any of the alternatives. In addition, the developer does not control land necessary to construct either of the roundabout options. In the future, if conditions change, the Town may request that the developer, as part of mitigation alternatives developed for Phase 2, revisit the roundabout option.

5.25 Comment

The [New York State Thruway Authority] would like to be updated on the status of the project. We also request review of the project plans when they become available for review. Please be advised [that] the New York State Thruway Authority has no present plans or future intention of constructing a noise barrier in the vicinity of the proposed project. The review our Traffic Noise Policy and our Thruway Noise Barrier Prioritization Study, we encourage you to visit our website at www.nysthruway.gov.

Response

Comment taken. The project will preserve a 25 foot wide vegetative buffer along the New York State Thruway to be included as part of a conservation easement that will aid in mitigating visual and noise impacts.

Comments from the Town of Hamburg Town Board

5.26 Comment from Councilwoman Kesner

What type of buffer is proposed behind the development?

Response

The developer is proposing to dedicate a 17.4 acre conservation easement to the Town of Hamburg. The conservation easement consists of a preserved 100-150 foot wide buffer along the southern and western boundary to screen the project from adjacent residences. Where the existing vegetation within this buffer is not sufficient to screen the project from residential areas, additional mitigation will be implemented such as constructing a landscaped berm, providing supplemental landscaping, and possibly including fencing. The developer will work with the neighbors to develop sufficient screening.

Additionally, the conservation easement will include a preserved vegetative area in the triangular southwest portion of the site and a 25 foot wide vegetative buffer along the NYS Thruway.

5.27 Comment from Councilwoman Kesner

Can lighting be shielded as to not shine in everyone's backyard?

Response

All lighting used for the project will comply with Chapter 155 and Chapter 280 of the Hamburg Town Code. Lighting will be shielded and aimed downward to limit light spillover to adjacent areas. Lighting will be reduced "after hours" to further reduce the impacts of spillover lighting onto adjacent properties. Specs for the lighting proposed for the site is included in Appendix B of this FEIS.

5.28 Comment from Councilman Smardz

Is the project going to be built in one complete stage or different stages?

Response

Initial site development activities will include installation of the main utility infrastructure systems that serve the entire development. The project will be constructed in two phases. Phase 1 will include 440,893+/- square feet of retail development. Phase 2 includes an additional 211,920+/- square feet of retail space and a 115 room hotel. Full build-out of the project is to include 652,813+/- square feet of retail space and a hotel. The site will contain a mix of both spec buildings and constructed as leased (i.e., "built to suit").

Comments from Town of Hamburg Planning Department

Land

5.29 Comment

How many acres of wooded area will be removed as a result of the project?

Response

Approximately 40.7 acres of wooded area will be removed.

5.30 Comment

How much soil will be removed or brought onsite as a result of the project?

Response

Detailed engineering plans have not yet been created for the subject action, so detailed earthwork calculations cannot yet be performed. It is the developer's intent (and in his interest) to create plans that "balance fill, to the greatest amount practicable" (i.e., that the amount of fill specified by construction plans is compensated for by specified onsite cuts).

5.31 Comment

Provide further discussion on the removal of storage tanks from the property.

Response

All storage tanks have already been removed from the site, in strict accordance with NYSDEC regulations, and with NYSDEC oversight.

5.32 Comment

Provide a better understanding of the phasing of the project (will the project contain spec buildings or constructed as leased?).

Response

Initial site development activities will include installation of the main utility infrastructure systems that serve the entire development. The project will be constructed in two phases. Phase 1 will include 440,893+/- square feet of retail development. Phase 2 includes an additional 211,920+/- square feet of retail space and a 115 room hotel. Full build-out of the project is to include 652,813+/- square feet of retail space and a hotel. The site will contain a mix of both spec buildings and constructed as leased (i.e., "built to suit").

5.33 Comment

When will the conservation areas at the rear of the site be dedicated to the Town (condition of rezoning)?

Response

The developer intends to dedicate conservation areas at the rear of the site at the time of site plan approval.

Water Resources

5.34 Comment

The DEIS states that the stormwater system is being developed in a way that allows for phased development, if desired. Previously, the DEIS stated that the project would be developed in a single phase. The applicant should clarify the phasing of this project.

Response

Initial site development activities will include installation of the main utility infrastructure systems that serve the entire development. The project will be constructed in two phases. Phase 1 will include 440,893+/- square feet of retail development. Phase 2 includes an additional 211,920+/- square feet of retail space and a 115 room hotel. Full build-out of the project is to include 652,813+/- square feet of retail space and a hotel. The site will contain a mix of both spec buildings and constructed as leased (i.e., "built to suit"). Because the stormwater detention facilities for the project are designed for phased implementation (i.e., independent stormwater basins are provided for sub-watersheds within the project area) portions of the system are functionally independent of one another. As buildings and parking areas are leased and constructed, corresponding portions of the stormwater detention system will come online.

5.35 Comment

The DEIS indicates that the existing 24-inch stormwater pipe may exceed capacity, prompting the installation of underground pipes to alleviate any stormwater backup and potential flooding. Discuss how often and the extent of flooding that occurs as a result of this pipe exceeding capacity. Will the proposed underground pipes alleviate any potential flooding on other sites?

Response

Based on a drainage study commissioned by the NYSDOT and prepared by TVGA in 1998 for the pipe in question, the capacity of the existing 24-inch pipe is exceeded on a regular basis (<10 year storm event) due to the fact it is undersized for the tributary area it serves. It is Benderson Development Company's understanding that the flooding is confined to the existing parking lot along Camp Road and the adjacent vacant lot to the north. The proposed stormwater detention associated with this pipe will alleviate flooding that occurs on the Hamburg Crossings site. To the best knowledge of the developer, there are no other flooding problems downstream due to the fact that downstream

improvements were recently made as part of a NYSDOT project for Southwestern Boulevard.

5.36 Comment

See Town Engineering comments related to stormwater.

Response

See response to Town Engineering comments below.

Aesthetics

5.37 Comment

The applicant should identify the potential for retailers to utilize outdoor storage within the project site along with measures that would be taken to contain and screen the storage area.

Response

As all tenants are not yet known, outdoor storage needs for retailers cannot yet be determined. If there are specific tenant needs in the future (beyond storage designed to be contained within buildings), they will likely be seasonal in nature and will be addressed in an appropriate manner (e.g., application for special use permits or temporary use permits, etc.). If utilized, all outdoor storage areas will be appropriately screened with high quality materials, consistent with the architectural theme of the retail center, and in a manner consistent with screening employed at similar projects in the Town of Hamburg. All outdoor storage areas will consist of appropriate stormwater quality controls.

5.38 Comment

As discussed during the Public Hearing, provide further detail on the berm, fencing, buffer, and planting along the rear of the site adjacent to the residential areas.

Response

Detailed landscape plans must be submitted and approved as part of the site plan review process. A Conceptual Berm Planting Detail has been prepared and included in Appendix B of the FEIS. As shown on the plan, the developer does not intend to disturb the existing, mature, natural vegetation along the portion of the site perimeter that abuts existing residential development, however, while a consistent distance of physical separation is maintained between all residential properties and the proposed development, in the area directly behind the existing industrial use, the existing vegetative cover is less dense than the wooded area to the south. Where the existing vegetation within this buffer is not sufficient to screen the project from residential areas, additional mitigation will be implemented such as constructing a landscaped berm, providing supplemental landscaping, and possibly including fencing. The developer will work with the neighbors to develop sufficient screening.

The developer is proposing to dedicate a 17.4 acre conservation easement to the Town of Hamburg. The conservation easement consists of a preserved 100-150 foot wide buffer along the southern and western boundary to screen the project from adjacent residences. Additionally, the conservation easement will include a preserved vegetative area in the triangular southwest portion of the site and a 25 foot wide vegetative buffer along the NYS Thruway.

5.39 Comment

Entrance features and signage will be important to the aesthetics of the area. Per the Camp Road Overlay, ground signage should be provided at the entrances.

Response

Comment taken. Coordinated sign plans will be prepared according to the Camp Road Overlay and submitted to accompany site plans submitted for site development approval.

Transportation

5.40 Comment

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

Response

Some retailers may elect to construct buildings with a drive-thru window. The site is sufficiently large so that any building that requires drive-thru facilities will be able to provide adequate stacking space within its leased parcel sufficient to handle reasonable queues without conflicting with normal traffic patterns on the external street network or main internal drives. Likewise, the parking lots are large enough, and contain enough alternative routes (i.e., multiple parking aisles) to ensure that drive-thru windows will not have a significant, adverse impact on internal parking lot circulation.

5.41 Comment

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

Response

The circle at the terminus of Commerce Place will be designed as a "roundabout." Roundabouts are safe, low maintenance alternatives for intersection control, and are able to handle a wide variety of complex intersection geometries. The cul-de-sac form of the roundabout is required because Commerce Place is a public street that terminates at private parking lots. The convergence of various parking lot aisles is also safely accommodated by the roundabout form, because the roundabout diameter forces vehicles to slow down and navigate the circle in the same, counterclockwise direction. Unlike a conventional intersection, all potential vehicle conflicts are in the same direction, with relative speeds at impact approaching 0 miles per hour, and there are no electronic traffic control devices (i.e., signals) to fail in the eventuality of a power outage. During site plan review, the cross-access drive will be discussed and revised as needed to ensure that traffic entering the site will not back up onto Camp Road and that traffic exiting the site will not block any internal driveways.

5.42 Comment

See separate traffic review memo and correspondence from the NYS Thruway Authority and NYSDOT.

Response

See responses to separate traffic review memo and correspondence from the NYS Thruway Authority and NYSDOT.

Energy/ Utilities

5.43 Comment

The applicant should provide a list of energy saving measures and other environmentally sound practices that will be incorporated into the project.

Response

It is anticipated that incorporated into the Hamburg Crossing project will be energy efficiency/green practices such as sustainable architectural design; utilizing renewable building materials and methods for construction; placement of landscape features to reduce and minimize heat islands; implementation of sedimentation/erosion control practices to protect soil and water resources; utilization of roof membranes designed to limit heat gain; utilization of energy efficient artificial lighting systems to minimize electricity loads and power requirements; utilization of "environmentally friendly" building materials where appropriate (e.g., paints caulking, adhesives, trim and framing materials, etc.); utilization of high efficiency water HVAC systems and water limiting bathroom fixtures; recycling of construction debris and refuse materials as well as conveyance of same to "Waste to Energy" facilities, so as to minimize transmittal of site waste to landfills; etc.

5.44 Comment

See Town Engineering comments relating to utilities.

Response

See response to Town Engineering comments below. We received a letter from the ECDEP dated February 29, 2008 which is in response to our letter dated 9/13/07. This letter states that there is adequate sewer capacity to accept the anticipated flows from this project. A copy of this letter is included in Appendix C of this FEIS.

Noise, Odor, and Lighting

5.45 Comment

Solid waste disposal services appear to have the greatest potential noise impact to the adjacent residential neighborhood since dumpster locations will be to the rear of the buildings. The DEIS indicates that increases in noise may be greater than 10 dB(A) at nearby residential receptors. The Noise Impact Assessment offers several mitigations to reducing the impact of this noise impact on nearby residences. Will any of these mitigations be incorporated into the project?

Response

Dumpster and trash compacting facilities will be appropriately screened in a manner typical for developments of this type in the Town of Hamburg. Typical screening measures include fencing and walled enclosures. All screening measures will be shown on plans prepared and submitted to accompany site plans submitted for site development approval.

5.46 Comment

The applicant should indicate the type of lighting proposed for the site along with the proposed height of lighting standards proposed. Can lighting intensity be reduced "after hours"?

Response

All lighting used for the project will comply with Chapter 155 and Chapter 280 of the Hamburg Town Code. Lighting to be used will consist of 1,000 watt flat-lensed fixtures

affixed poles. Lighting fixtures are full cutoff and will be shielded and aimed downward to limit light spillover to adjacent areas. Lighting will be reduced after 11:00pm to further reduce the impacts of spillover lighting onto adjacent properties. Specs for the lighting proposed for the site is included in Appendix B of this FEIS.

5.47 Comment

The DEIS states that lighting at property boundaries will comply with Town Code. The applicant should identify the intensity of lighting that will occur at the property boundaries.

Response

A photometric plan showing projected light levels has been included in Appendix B of this FEIS. The lighting systems were designed to restrict perimeter light levels to 1.5 foot candles.

5.48 Comment

The DEIS indicates that no lighting will be used on the backside of the buildings, however, the truck loading/unloading docks and dumpsters are located here. It seems unreasonable that no lighting will be located on the backside of the buildings. The applicant should verify this comment and if lighting will be used, indicate the lighting intensity at the property boundary.

Response

The statement in the DEIS indicating that there will be no lighting used on the backside of the buildings is in error. The lighting systems for the site are designed to restrict perimeter light levels to 1.5 foot candles, including at the rear of the stores. With the exception of one pole mounted light, there are no pole mounted lighting fixtures at the rear of the stores. Rear lighting is provided by shielded wall packs. The wall packs are designed to cast light downward to reduce light spillover to the adjacent residential properties.

Cumulative Impacts

5.49 Comment

There is an approved Lowe's Home Improvement Store proposed on Southwestern Boulevard near Sowles Road that is within the project area.

Response

The Lowe's home Improvement Store is within the study area of some impacts that were analyzed in the DEIS for the Hamburg Crossings project (e.g., traffic impacts). The Lowe's project was not exempt from the SEQR process, and impacts relating to that project were analyzed on a site specific basis for that action. Cumulative impacts tend to be limited to those relating to provision of service by major infrastructure systems (e.g., transportation systems, sewer and water supply systems, etc.). With respect to sewer and water systems, the assessment of cumulative impacts is an integral process of the technical review process for the extension of sewer and water lines. Downstream capacity for sewers and adequate pressure and supply for water is evaluated at the time of application for approval for every application. Because of this systematic evaluation process, cumulative impacts are constantly monitored and analyzed. With respect to transportation systems and how cumulative traffic impacts were analyzed for the subject action, engineers first analyzed the existing condition of the highway system and then imposed trips from the subject action onto the street network. Other sources of traffic considered included known projects that were anticipated to come online within the build-out period of Hamburg Crossings, as well as, traffic that can reasonably be anticipated to result from

unidentified projects. Known projects specifically accounted for in the Hamburg Crossing Traffic Impact Study were the Wellington Woods Subdivision (near the Lakeview Road/Lakeshore Road intersection), the Treehaven Subdivision (near the Route 5/Lakeshore Road intersection), the Woodstream Estates Subdivision (to the north of the site along Rogers Road south of Cloverbank Road), and a new Walmart store (on the northeast corner of Route 20/Rogers Road). Unidentified sources of traffic were accounted for in the analysis by including a background growth factor for existing traffic for the duration of the build-out period. A factor of 1.5% per annum growth was employed in the analysis.

5.50 Comment

If the NYS Thruway Authority reconstructs the I-90 interchange with Camp Road into an at-grade intersection in the future, what will be the likely impacts to the project's layout?

Response

Reconstruction of the ramp will not impact the site layout in any significant manner but would likely provide for improved access to the site. The revised Traffic Impact Study provided in Appendix B of this FEIS provides an evaluation of an at-grade Thruway ramp intersection.

Town of Hamburg Engineering Department Memo, dated May 21, 2008

5.51 Comment

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

Response

A copy of the ECDEP letter confirming the adequacy of available downstream sewer capacity to convey the demands represented by the subject action is contained in Appendix C of this FEIS.

5.52 Comment

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

Response

Electricity service to Hamburg Crossing is provided by both New York State Electric and Gas (NYSEG) and National Grid. Commerce Place forms the boundary between the two service providers' territories, with NYSEG's service area to the south and National Grid's to the north.

5.53 Comment

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

Response

The revisions has been noted in Section 3.0 (Revisions to the Draft Environmental Impact Statement) of this FEIS.

5.54 Comment

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

Response

Comment taken. The page numbers shown in the FEIS (of which the DEIS is incorporated by reference) Table of Contents will correspond with the page numbering of the FEIS.

Comments from Peter Reszka, Planning Board Member, email May 15, 2008.

5.55 Comment

The impact upon the area immediately opposite the project seems to be understudied. Their conclusion that the side street, already service level F at most times, will not be impacted by the project and need no remediation seems flawed. The newly installed lights on Camp Road will slow traffic but will extend past those same side streets making it impossible for any vehicle to make a left turn and merge with stopped traffic. This is a huge safety concern to me. Frustration will cause accidents.

Response

The Traffic Impact Study indicated that the intersections of NYS Route 75 with Columbia and with Dartmouth Streets would operate at LOS "E" and "F" respectively during peak hours. The delays are projected to average between 50 and 70 seconds per vehicle during these time periods. Delays of this duration are similar to (or less than) delays at many signalized intersections. Mitigation for these operating conditions would be installation of a traffic signal, however, the low volumes of traffic exiting these streets during the peak hours (less than 50 vehicles per hour) do not meet Manual of Uniform Traffic Control Devices (MUTCD) Traffic Signal Warrants. Therefore, there is no practicable mitigation required for these operating conditions. In addition, review of the accident history at these intersections indicated that no collisions occurred during the three-year review period that were attributable to the intersections. There were 12 (non-intersection related) collisions that occurred in the segment of NYS Route 75 between the Thruway and Columbia Street. The accident rate for this segment, 1.15 accidents per million vehicle miles (acc/mvm), is well below the statewide average rate of 2.94 acc/mvm for this type of highway. The accident history indicates that there are no inherent safety deficiencies at these intersections or within this segment of NYS Route 75.

5.56 Comment

The wetlands are delineated in the DEIS but I feel that there are not enough safe guards in place to ensure that the general public will not damage them while on site. Is there anything that can be done to reduce the possibility of public incursion into these lands?

Response

The wetland areas within the site are not located in areas proposed for active site use. Wetland investigation conducted in conjunction with the proposal to develop the site found no evidence of damage to the wetlands by the general public. It should be noted that the public has had the same access to these areas historically as is proposed for the future. There is no demonstrated need for additional protections to be placed on the site in the future.

Public comments from the April 14, 2008 Public Hearing

Public comments made on the record at the public hearing of April 14, 2008 were responded to on the record at the hearing. Both comments and responses are contained in the official Town of Hamburg minutes of the Public Hearing and are reproduced in their entirety in Appendix C of this document (Comments Submitted on the DEIS). Those comments made that required supplemental responses are reproduced below.

Transportation

5.57 *Comment from Linda Shantler*

The entrance to the Thruway is a nightmare now so if the extra traffic is added in this area it will become death row.

Response

Accident data compiled in the project vicinity does not indicate any inherent safety deficiencies in this area. The two new traffic signals on NYS Route 75 will slow traffic and control the driveway intersections to the site as well as create gaps that will allow traffic from side streets to enter NYS Route 75. The project will also install signage to improve information to motorists.

5.58 *Comment from Joe W.*

How many new traffic lights will there be?

Response

There will be two new traffic lights placed along NYS Route 75, one at the main site entrance and another at Commerce Drive.

5.59 *Comment from Julie Kane*

What is the distance between the project and the residents?

Response

The minimum distance between the nearest building and the property line of the adjacent residences is 190 feet.

5.60 *Comment from Don Wiess*

I'm concerned over the height of the buildings and encourage the Town to enforce the 35 foot restriction.

Response

A variance may be requested for the 35 foot height restriction for the hotel, however, buildings adjacent to the residences will meet the height requirements of the Hamburg Town Code.
