Legal Notice
Town of Hamburg Planning Board
Meeting - 9-20-06

The Town of Hamburg Planning Board will meet in Room 7B of Hamburg Town Hall on Wednesday, September 20th, 2006 at 7:30 p.m. to discuss the following projects:

1. Southwestern Senior Apartments - next to Autumnview - Variance granted on Parking at ZBA meeting of 9-5-06.
2. B.W. Barbecue addition - 5007 Lake Avenue
3. Lowe's Rezoning Petition - Southwestern Blvd.
4. Southampton Condos - revised sketch - Big Tree
5. Report on Wal-Mart - Possible SEQR decision - Brierwood Plaza
6. First Niagara Bank - Lake Shore Rd. Make decision on access point

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 9-6-06

Town of Hamburg
Planning Board Meeting
September 20, 2006
Actions Taken

Special Use Permit **First Niagara Bank** **Lake Shore Road**	**Matter tabled to Oct. 4, 2006**
Wal-Mart Super Center **Brierwood Plaza** **Southwestern Blvd.**	**Negative Declaration issued on Environmental Issues**
Lowe's Rezoning Petition **From R-2, R-3, C-l, to C-2** **General Commercial** **Southwestern Blvd.**	**Studies to be undertaken. Tabled**
B.W. Barbecue Addition **Lake Avenue**	**Approved contingent on Engineering**

Town of Hamburg
Planning Board Meeting
September 20, 2006

The Town of Hamburg Planning Board met for a regular session on Wednesday, September 20th, 2006 at 7:30 p.m. in Room 7B of Hamburg Town Hall. Those attending included: Chairman Gerard Koenig, Secretary Paul Eustace, Sasha Yerkovich, Karen Rogers, Steve McCabe, Richard Taber. Others attending included: Councilman Mark Cavalcoli, Rick Lardo, Drew Reilly, Michael Fruth, Attorney Don McKenna, Terry Dubey, Stenographer. Others attending: Dana Braun–Transportation Planner-Wendel, Watts Engineering–Don Wolfe. Excused: David Phillips

Special Use Permit - First Niagara Bank - Lake Shore Road

Secretary Eustace read the following Legal Notice of Public Hearing:

LEGAL NOTICE
TOWN OF HAMBURG
PLANNING BOARD
SPECIAL USE PERMIT

Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a Special Use Permit for the First Niagara Bank to be located on the Lakeshore Road on Wednesday, September 20th, 2006 at 7:30 p.m.

Interested Parties are invited to attend.

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 9-11-06
9-14

Chairman Koenig declared the hearing open: Ms. Mary Tomaka appeared before the Planning Board on the site plan for First Niagara Bank and the request for a 2 lane drive thru on to Orchard Avenue. They have designed the site in mind with a nautical theme as requested. The access to Orchard has been located more to the center of the property. Ms. Tomaka stated that she visited the area and talked to the neighbors about the proposal. A sidewalk will be built for a one block area. The drive thru is needed so that motorists will not have to make a left turn on to Lake Shore Road. A gentlemen who lives across the street is not opposed to the idea. We are looking for site plan approval.

Chairman Koenig noted that the Traffic Safety Board is not opposed to the lighthouse but rather a lighted beacon as it might be a distraction to motorists. Ms. Tomaka responded that it does not have to be lit.

Mr. Reilly noted that the biggest issue is the entrance out to Orchard Avenue. It is a difficult balance with the customers of the bank and the residents who live on Orchard which is a narrow residential street with no sidewalks and no shoulders on the road.

Ms. Yerkovich stated that she is against the second access as it will become a cut thru in an N-C area. The existing pharmacy has been in place for years and motorists automatically take a right turn out of the plaza. This is an established traffic pattern where motorists make their turning movements at a traffic light further down the road. I don't feel it is the Planning Board's responsibility to make faster access for bank customers on an established traffic pattern. I don't feel it's right to infringe on the neighbors who will have to put up with commercial traffic thru their community. I don't see why we cannot continue to use a major arterial for access. These businesses

(First Niagara Cont.)
have existed for many years with this type situation. There are other means of egress that are just as safe by making a right hand turn.

Mr. Albert Gugliemi of 5079 Glendale spoke in opposition to the secondary access.There are many kids walking across the road 3 and 4 abreast. There are also kids on bikes. I have had to stop so many times in order for the kids to get out of the way. There are no sidewalks, and people walking along the road have a hard time. Now, there are 2 sets of steps at the Lake Erie Seaway Trail Center which will create more walking traffic from Orchard down to the lake. The activity from the HSBC bank has created more traffic. The neighbor at the corner has had to take down some of his shrubs in order to make better line of sight for motorists. I have been hit twice in this area. People are prone to taking short cuts. My main concern is for families and kids.

Mr. Joe Kilian of Fernadale Avenue spoke in opposition to the access. This will become the main entrance. Many use the street for walking purposes, especially after the dinner hour. There are 270 driveways on Route 5. The bank will not fail without a secondary access. This would be a two lane road. Also, cars using the restaurant will continue to use the parking lot after hours.

Mrs. Yerkovich stated that people will be parking in the lot after hours which becomes an enforcement issue. There will be traffic at night, especially people using the ATM machine.

Mrs. Gertrude Christ noted that the people need sidewalks in that area.

Bob Zerby, resident, noted that he has been following the project since day one, is not opposed to the bank, but objects to the driveway to Orchard Avenue. I hate to see this happen. The restaurant parking will continue.

M. Zerby, wife of Bob Zerby, noted that she has lived in this area her entire life. I have seen the traffic increase and used as a cut thru. Teachers walk kids from the Cloverbank School on this road. There are many kids on bikes and people cut thru to get to Wilson Farms.

Mr. Robert Morfood has walked this area for years and noted that without sidewalks, it is very difficult. There are no shoulders, is not well lit, and is not safe for pedestrians.

Mr. Tom Giancarlo has lived in the area for 45 years and the traffic is dangerous. I am concerned about a fatality. I don't want to see a secondary access.

Pam Gallagher noted that the traffic is ridiculous. I have seen the area change with an increase in traffic due to the Wilson Farms store. I feel it is not necessary to have a second access for the convenience of bank customers. I think the cons outweigh the pros.

Chairman Koenig declared the hearing closed.

Board members noted that the matter should be tabled for further discussion.

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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Town Clerk
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Supt. of Highways
JAMES F. CONNOLLY

TO: Planning Board

FROM: Engineering Dept.

DATE: 9/20/06

SUBJ: 9/20/06 PLANNING BOARD MEETING AGENDA
First Niagara Bank (adjacent to 4923 Lake Shore Road)

The following are review comments on a site plan dated 7/14/06:

(1) The existing Wanakah Pharmacy building was subdivided from the main parcel. Therefore, subdivision approval is required for the project. A separate address will be assigned for the proposed bank.

(2) We have no objection to the proposed centered driveway to Orchard Avenue.

(3) Note that a New York State Department of Transportation (NYSDOT) permit is required for work within the Lake Shore Road highway right-of-way. We are unable to approve these plans prior to NYSDOT review and approval of work in their right-of-way.

(4) The building address will not be No. 4923. Remove the address from the drawings.

(5) We will review the site plan when it is prepared in accordance with the site plan review checklist.

(6) The site is located within the Route 5 Overlay District.

(7) The proposed nautical site features have been reviewed by the Hamburg Shoreline Revitalization Committee, and are considered to be acceptable and in compliance with the Town's Local Waterfront Revitalization Program (LWRP).

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

J. Rutowski Properties, LLC
4923 Lakeshore Road
Hamburg, New York 14075

August 11, 2006

Hamburg Town Board
Hamburg, New York 14075

To whom it may concern:

J. Rutowski Properties, LLC was recently informed of a concern that was expressed in connection with our request to place an exit from our property onto Orchard Street. The concern arises from the use of our parking lot, without permission, by patrons of the Route Five restaurant across the street from our property, and specifically that the use of our parking lot by such patrons will increase traffic onto Orchard Street.

As indicated, the use of our parking lot by Route Five patrons is without our permission and is, in fact, illegal. There is a sign on our lot indicating that it is for use only by patrons of Wanakah Pharmacy, Maxi's Pizzeria, and Miran Electronics. J. Rutowski Properties LLC has no agreement with David Root to permit his patrons parking on our property. Nevertheless, we try to be "good neighbors" and not cause problems for other people or businesses. That is why we have not towed Route Five patrons cars who have parked on our property illegally.

The decision on our request to add an exit onto Orchard Street should not be negatively affected by the unauthorized use of our parking lot by patrons of a business other than one which has permission to use the lot.

Thank you for your consideration.

Sincerely,

John Rutowski

John F. Rutowski

(First Niagara Bank)

In closing, Chairman Koenig noted that the issue is the separate driveway. This has become a safety issue. In the beginning, we only had two people against the driveway. Now, more people in that area are concerned. Orchard Avenue is an undersized road.

Motion was made by Mrs. Yerkovich, seconded by Mr. Taber to Table till the October 4th work session. Carried.

Wal-Mart Super Center - Brierwood Plaza - Southwestern Blvd.

Messrs. Neal Madden, Attorney, and Steve Cleason of APD Engineering appeared before the Planning Board for a SEQR determination on their Wal-Mart project in the Brierwood Plaza. Tons of material has been presented to the Planning Board covering many studies and they are looking for a Negative Declaration so that they can continue with site plan review.

Don Wolfe, of Watts Engineering, and the independent traffic consultant hired by the Town, was also present and agrees with the information on traffic that has been provided so far. Dana Braun, Transportation Planner for Wendel, has provided material on level of service which has been provided as requested. The DOT has submitted their comments on the traffic as well as County Highway.

Mr. Reilly has prepared a Negative Declaration supporting facts of other agencies. The Planning Board has received all these materials and has had many of their questions answered. A Public Hearing has been held. Answers have been provided to questions raised at the hearing by residents. Now, the board should be ready to issue either a Negative Declaration, or a Positive Declaration. Comments from Planning board members are as follows:

Mrs. Karen Rogers asked that the left turn lane on Rogers be implemented in the first phase of the project as opposed to Phase II. Mr. Tony Battista responded that they are willing to do off site work in the first phase. Also, Mrs. Rogers noted that she would like to see attractive landscaping on Rogers Road and in the back of the buildings on the Rogers Road side.

Mr. Cleason noted that the seasonal outside garden area will be eliminated so as to provide more parking spaces as required by the code. The garden center will be housed under cover in the interior of the building instead.

Mr. Taber stated that he does not want to see the overnight parking of RV's in Wal-mart's lot. Also, he is concerned with Tim Rhodes situation as he is the property next door and is impacted the most by the project. Mr. Tony Battista and Mr. Rhodes responded that they are working towards a solution to the problem.

Wal-Mart Cont.

Mr. McCabe stated his concern is the same, and wondered if there is a time table for this situation to be resolved. Both parties responded that they are trying to work things out. Mr. Rhodes also thanked the Planning Board for listening to his concerns.

A question was raised as to the stacking of cars from the railroad tracks. Mr. Wolfe responded that the tracks are more than a mile away and stacking should be limited to 220'. To create a problem, the train would have to be stuck on the tracks for one hour before it becomes a problem.

Mr. Eustace stated that he does not want to see a gas station put on the Wal-Mart site.

Joe Dee, of 5402 Rogers Road, spoke in opposition to the application. There has been construction going on in the Rogers Road portion for 3 weeks and it has been very busy. I am asking the Planning Board to not approve the project. This building is too big and not a good fit for the area. I would like to see a better mix of stores.

Joe Philbert stated that he has lived in the area from the time Hens & Kelly and Loblaws were in the plaza. I would like the Wal-Mart to be located in the plaza so that I would not have so far to get to stores. I am sure the State has looked into the traffic situation on this road. I would like to see the Board okay the project.

Rose Ann Stocklosa asked how long it will take to clear the plaza and start building, and when will Benderson's portion be ready? Response: The applicant must go thru the planning process and Benderson plans on coming back in with their proposal.

Mr. Bob Elardo asked if the Corps of Engineers will do the delineation? Response: The applicant does the delineation and the Corps will verify it. Also, the wetlands area is being avoided. He further stated that the Board should issue a positive declaration and ask for an Environmental Impact Statement.

Neal Madden, Attorney for the Wal-Mart, asked the Planning Board to adopt the Negative Declaration. No one can say that the Planning Board has not taken the "hard look" as required. I do not see a benefit to the community in delaying a decision. The SEQR has been addressed. The traffic issue has been examined by five agencies. Every issue, large and small, has been addressed. I ask that the Board take serious consideration in taking action on a Negative Declaration.

Mr. Cleason explained further that the 2 acres of forest will remain in its natural state. Storm water detention will be handled with a pond and we have addressed the downstream issue. With mitigation, we will reduce run off and flooding. The forest area will be preserved. The front of the site will redistributed with green space.

Motion was made by Mr. Eustace, seconded by Mr. McCabe to adopt the resolution and issue a Negative Declaration for the Wal-Mart project. Carried. (Negative Declaration as follows:)

State Environmental Quality Review

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

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

The Town of Hamburg Planning Board, as SEQR Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and that a Draft Environmental Impact Statement will not be prepared.

Name of Action:

Wal-Mart Supercenter - Brierwood Plaza

SEQR Status:

Type I Action

Description of Action:

Wal-Mart is proposing to demolish 156,347± sf of a 208,661± sf existing plaza to construct a 205,000± sf Supercenter. The existing development contains ±43.7 acres which will be subdivided to facilitate a ±28.24 acre Wal-Mart Parcel, a ±0.55 acre outparcel, ±0.51 bank parcel and ±14.39 acres to be retained by seller. The Wal-Mart development will include the removal and replacement of existing pavement, drainage and utilities to accommodate the new store. The site will require regarding to allow the placement of the new building, parking, utilities and drainage. This project also includes the rebuilding and improving the main entrances to the plaza on Southwestern Blvd. These improvements are intended to include traffic signal, new pavement, curbs, striping, signage and associated highway improvements.

The Town, for environmental review purposes (no segmentation), is considering the Action to include the complete demolition of the plaza and the potential full build-out of the remaining property controlled by Benderson, the seller. The Wal-Mart project is referred to as Phase I and the potential build out of the remaining property by Benderson is referred to as Phase II. The Wal-Mart and Benderson applications are by unrelated applicants; involve plans of different level of detail; are capable of progressing independently of each other; and involve different potential time tables for "build out". Nevertheless, the Planning Board has considered the potential environmental impacts of the two applications together in making this determination.

Review Process

The Planning Board received applications from Wal-Mart including a Long Form Environmental Assessment Form (with Part 1 completed).

On April 5, 2006 the Town of Hamburg Planning Board declared its intention to act as SEQRA Lead Agency. Subsequently, notice letters were sent to all involved agencies requesting their concurrence that the Town Planning Board act as SEQRA Lead Agency. No other involved agency objected within 30 days

of such notices, and the Planning Board therefore confirmed that it was acting as SEQRA Lead Agency.

The Board reviewed Part 2 of the EAF and identified some potentially large impacts that merited further review. As noted in the instructions to Part II: "Identifying that an impact will be potentially large does not mean that it is also necessarily **significant.** Any large impact must be evaluated in PART 3 to determine significance."

The Town Planning Board held regularly scheduled workshops and open public meetings to discuss the Wal-Mart/ Benderdson Applications and SEQRA submissions on April5, 2006; April 19, 2006; May3, 2006; May17, 2006; June 7, 2006; June 21, 2006; July 5, 2006; July 19, 2006 and August 3, 2006 ;September 6, 206 and September 20,2006. During such meetings, Wal-Mart or Benderson representatives presented information about the proposed Project and answered questions from the Board regarding the identification of potential adverse environmental impacts and the specific measures that were incorporated into the Project design The Board also accepted public comment at several of these meetings and held a duly noticed Public Hearing on August 23, 2006.

This document includes the Part 3 EAF evaluation of potentially large impacts and also includes discussion of other Part 2 EAF topics even though the potential impacts were not identified as large during the Part 2 EAF process.

Location:

North side of Southwestern Boulevard (NYS Route 20) in the Town of Hamburg, Erie County, approximately 500 feet east of its intersection with Rogers Road.

Reasons Supporting this Determination:

Impact on Land

The existing site contains a large, mostly vacant plaza and small bank, with associated parking and utilities. Wal-Mart proposes to demolish 156,347 square feet of the existing plaza and construct a Wal-Mart Supercenter and create an outparcel on the site, while Benderson Development proposes to redevelop the remaining portion of the plaza as Phase II (demolishing the remaining 52,314 ft.^{2} of the existing plaza), retaining the existing bank on the property.

The existing zoning of the site is C-2 (General Commercial). In addition, the project parcel is located in the Town of Hamburg Southwestern Boulevard Overlay District. Existing land uses in the vicinity of the proposed project include commercial uses to the south and west and residential uses to the north and east.

The site, in general, does not include any steep slopes and the water table is generally greater than 3 feet in depth. Because this is a redevelopment of the site, impacts to land not presently disturbed are minimal (less than 5% of the site).

The project is proposed to be phased, and to reduce impacts, Benderson will demolish the entire existing plaza in the first phase and make appropriate site improvements to minimize potential phase II other impacts.

The applicant, under the direction of the Town, is also researching ways to reduce the

impact to the presently undisturbed areas (minimize drainage pond area and wetland mitigation area).

Based on the above, the Town of Hamburg Planning Board concludes that the proposed development is consistent with surrounding land uses, is appropriate for the site, and has only minor impacts to land.

Impact on Utilities

The existing plaza is serviced via underground electric and telephone from existing overhead lines that run through the site. The existing overhead lines will be relocated to the northern property line behind the proposed Wal-Mart Supercenter. Additional utilities (natural gas, water, electric and phone) are currently serving the existing plaza and it is anticipated that they will have capacity to serve the proposed development (see other sections for further discussion of water and sewer impacts).

Based on the above, as well as taking into consideration the past uses of the plaza, the Town of Hamburg Planning Board concludes that the proposed development will not have a significant negative impact on the existing utility infrastructure.

Impact on Water

The applicant proposes that the existing public water supply and sewage disposal facilities available at the project site be utilized to serve the project. Water will be supplied by tapping into an existing eight-inch Erie County Water Authority main located along the north side of Southwestern Boulevard. The Town's Engineering Department has reported that there are adequate flows and pressures to service the site and that the project will not negatively impact the system.

Sewage disposal is proposed to be provided by connecting to the existing ten-inch Town of Hamburg gravity sewer, which flows from the plaza to the property to the north. The Town of Hamburg Engineering Department has indicated that sanitary sewer capacity under normal conditions is acceptable. However, during storm events, the capacity is compromised due to groundwater infiltration into the sewer system (inflow and infiltration problems). As a result, the applicant proposes to abandon the entire on-site sanitary sewer system and install a new system (pipes and manholes) at the applicant's expense. In addition, the mainline from the site to the municipal system on Rogers Road will be replaced or lined at the applicant's expense to prevent leakage.

The anticipated sanitary demands of the proposed development, as estimated by the applicant, appear to be similar to prior usages of the plaza, and the system, with the improvements noted above, will handle all regular and peak discharges.

Existing impervious area covers approximately 59% of the project site. Under the existing conditions, the stormwater collection system on site does not allow for any detention time or peak flow attenuation. Because the site does not provide water quality benefits, it does not meet the current NYSDEC stormwater design requirements (SPDES).

The project applicants propose the construction of stormwater management areas, which will provide attenuation for the ten-year and 100-year storm events, as well as water quality treatment currently not available on the existing site. The proposed

stormwater management facilities are designed with emergency spillways which, in the event of complete failure, would allow stormwater to discharge to the existing wetlands to the north and west of these facilities prior to flooding the parking lot and buildings.

The project applicants have provided to the Town of Hamburg a detailed Stormwater Management Report and have outlined the provisions of its Storm Water Pollution Prevention Plan to ensure that any impacts to surrounding lands have been mitigated to the maximum extent practicable.

The above proposed measures provide sufficient mitigation to minimize adverse impacts on downstream properties, drainage patterns and existing drainage structures. In addition, these measures will provide water quality improvements to the downstream receiving water bodies not currently realized.

Based on the above, the Town of Hamburg Planning Board concludes that the proposed development will not have a significant negative impact on groundwater, surface water, or the Town's water or sewer systems (see attached Town Engineering Department memo).

Impact on Wetlands

A Phase I and Phase II wetlands delineation has been completed for the entire project site. There are no mapped New York State Department of Conservation (NYSDEC) freshwater wetlands or United States Fish and Wildlife Service National Wetland Inventory (NWI) wetlands indicated on the site. Although the NWI Map for this area does not indicate the presence of federal-jurisdictional wetlands, an on-site delineation indicated the presence of two possible federal-jurisdictional wetland areas totaling 3.1 acres.

As part of a consequence of the Wal-Mart Supercenter construction, 0.42+/- acres of the federal-jurisdictional wetland areas will be filled and utilized to channel stormwater from the plaza. The applicant proposes to compensate for this loss of wetland area in accordance with current USACE regulations and guidelines pursuant to Section 404 of Clean Water Act. The goal of the mitigation plan will be to provide a replacement ratio of 2:1.

Given the nature of the wetland areas to be impacted by the project development and the mitigation measures proposed, the Town of Hamburg Planning Board concludes that the environmental impact from the proposed loss of wetland area on the site will be small.

Impact on Cultural Resources

An investigation and evaluation of potential impacts to cultural resources, archaeological and historical, has been completed for the project site. The New York State Office of Parks, Recreation and Historic Preservation (SHPO) has stated that the project will have no impact upon historic properties in or eligible for inclusion in the State and National Registers of Historic Places. There are also no impacts to archaeological or other cultural resources.

Based on the above, the Town of Hamburg Planning Board concludes that the proposed development will not have a significant negative impact on cultural resources.

Impact on Aesthetics

The existing visual setting of the project site can be characterized as a run down plaza with badly deteriorating asphalt. After project completion, it is anticipated that the site will be enhanced visually due to additional landscaping, as well as because the Wal-Mart building will be set back approximately 750 feet from Southwestern Boulevard and will be more aesthetically pleasing. Earthen berms, vegetation and a sound wall are proposed to screen the residents of the apartments to the north of the site from the project as much as possible. There is a residence to the east of the site, next to the existing bank that will remain. The applicant proposes to relocate the existing bank parking to the north (away from the residence) and add a fence along the property line to buffer visual impacts of the continued bank operations. The Town and Applicant will continue to work with this resident to reduce the impacts to his property. The frontage along Southwestern Boulevard will be heavily landscaped and views from Rogers Road will be dependent upon the future Phase II development and landscaping. Even though the NYSDOT will be adding trees along Southwestern, Wal-Mart will supplement this planting to make a good visual buffer.

The proposed Wal-Mart building has been designed so as to capture some of the Greek Revival architecture of the existing Brierwood Country Club. Classic materials such as common red brick, stone textured block and pre-cast stone are anticipated. The proposed Phase II architectural treatment is intended to complement the Wal-Mart architecture. The height of the proposed plaza will be approximately 31 feet above ground surface, which is approximately twelve feet lower than the highest peak of the existing plaza.

For the remaining Benderson redevelopment of the plaza, schematic plans illustrate buildings backing onto Rogers Rd. Concern over the aesthetics of these buildings, has led Benderson Development to propose aesthetic and architectural mitigations. Due to the nature of these, as of yet schematic plans, Benderson Development will continue to work with the Town of Hamburg Planning Board on the aesthetics of these buildings. At site plan application, Benderson will need to present architectural drawings complementing architecture of the area, improved aesthetics along all building sides facing Rogers Rd., and the addition of landscape berms and other screening devices. It must be clearly understood that the architecture of these buildings along Rogers Rd. will include architectural finishes that are carried around all building sides.

As per the Southwestern Boulevard Overlay District regulations, a fifty-foot landscaped green area will be provided along Southwestern Boulevard. In addition, one tree is required per 30 feet of frontage, side and rear yard dimension, and a minimum ground cover area of not less than ten percent (10%) of the total area to be developed. The applicant will comply with these requirements.

As part of the proposed project, all site lighting fixtures will be upgraded and will conform to all relevant and applicable provision of the Code. Nineteen (19) existing light poles will be removed and twenty-nine (29) new light poles will be installed. In the rear area of the proposed Wal-Mart Supercenter, adjacent to the residential area, the applicant proposes three (3) poles with 400-watt bulbs, as opposed to the 1,000-watt bulbs to be used in the remainder of the parking field.

To minimize lighting trespass and glare on adjacent properties, the applicant proposes

the Magnusquare Series from Hubbell Lighting, Inc. for the lighting fixtures on this site. These fixtures have specially designed reflectors and a flat lens that will not shine light at or above an angle of 90 degrees.

It is anticipated that the proposed lighting levels adjacent to residential areas will not be greater than existing conditions.

Regarding signage, a final signage plan has not been developed for the proposed project because it will depend, in part, on the building architectural treatment preferred by the Town of Hamburg. However, the applicant has stated that no flashing signage will be proposed for Wal-Mart buildings. Details of final signage for Phase I and Phase II are subject to Town of Hamburg review and approval. Signage on the Wal-Mart building will be minimized to meet Town standards.

Based on the above, the Town of Hamburg Planning Board concludes that no visual impacts of community significance will result from the proposed development and that the proposed development may enhance the aesthetics of the site.

Noise Impacts

The existing plaza site is generally bordered by other commercial properties and roadways on the east, south and west. However, a residence exists to the east of the site next to the existing bank that will remain. The applicant proposes to relocate the existing bank parking to the north (away from the residence) and add a fence along the property line to buffer any noise impacts of the continued bank operations. The northern property line borders an existing apartment complex, which currently receives very little buffering from the existing plaza. The proposed Wal-Mart Supercenter will be located approximately 104 feet from this northern property line at its closest point. Reviewing the aerial photographs and the proposed Wal-Mart site plan, it appears that the proposed building will back up on areas of the apartment complex that have no structures near the property line. In the small area that the apartment buildings are close to the property line, is where Wal-Mart proposes the extra mitigations. To mitigate potential noise impacts to the apartment residents, a combination of an earthen berm, vegetation and a sound barrier are proposed to be located near and parallel to the northern property line near these apartment residents. For the presently schematically designed Benderson Phase 2 plans, a building and parking area are illustrated along the apartment property line. Loading areas will not be permitted along the apartment side of any building at this location. To reduce any impacts, this building and parking field will be a minimum of 50 feet from this property line and include screening and buffering such as earthen landscaping berms, hedges, etc.

Based on the above proposed design measures, the Town of Hamburg Planning Board concludes that the noise impacts generated from the proposed development will not adversely affect neighboring residents.

Impact on Emergency Services

The construction of the proposed project will increase demand on the Town of Hamburg's police, fire and emergency rescue services. The Hamburg Police Department has indicated that, because the existing plaza is currently patrolled, no additional patrolling of the area would be required. However, with redevelopment of the plaza, it anticipates an increase in calls regarding car lock-outs, shoplifting and

potentially additional traffic accidents due to increased traffic, although this increase is not expected to be something the Police Department cannot handle. Because the impact of the existing Wal-Mart store at Seven Corners on the Hamburg Police resources is not currently significant, the relocation and expansion to a Supercenter is not expected to change that.

Fire protection in this area is provided by the Lake Shore Volunteer Fire Company, Inc., which is privately funded and responsible for providing adequate fire protection for this area. Lake Shore has indicated that, if necessary, they would ask for additional mutual aid support from neighboring fire departments in the case of an emergency at the plaza.

Based on the above, the Town of Hamburg Planning Board concludes that the proposed development will not have a significant negative impact on the Town's emergency services.

Impact on Wildlife

Because the project involves redevelopment of an existing commercial plaza, impacts on existing wildlife is anticipated to be minimal. The project site is currently developed and does not appear to be home to much wildlife at this time.

The proposed plan presently includes disturbance to a little over 2 acres of presently undisturbed land. To further reduce the impact to this potential area for wildlife, the applicant is working with the Town to minimize this disturbed area.

Based on the above, the Town of Hamburg concludes that the proposed development will not have a significant negative impact on wildlife in the area.

Impact on Air Quality and Odors

Potential air quality impacts from the proposed development are directly related to emissions from the proposed buildings, as well as from cars and trucks accessing the site. In addition, air quality could be affected by food waste.

Utilizing US Environmental Protection Agency emission factors for natural gas combustion, the project applicants found that the anticipated levels of emissions from vehicles accessing the site under peak hour conditions would be low compared to existing levels of emissions in the general vicinity of the site, especially along Southwestern Boulevard. Emissions levels are expected to be approximately the same as under previous conditions of operation at the site when it was fully occupied as Brierwood Square.

Wal-Mart anticipates three semi-tractor trailers to access the site daily for deliveries. Because current emissions standards are assumed to be stricter than in the past, it is anticipated that delivery truck emissions at the plaza will be much lower than when Brierwood Square was fully occupied in the past. Additionally, Wal-Mart has agreed to administer anti-idling training to company drivers, post "no idling" signs at the facility and notify its contracted delivery companies of its anti-idling policy.

The applicants have assured the Town of Hamburg that no Recreational Vehicles will be allowed to park in the Wal-Mart Supercenter parking lot overnight.

Regarding food waste odors, food service preparation is minimal at Wal-Mart Supercenters and therefore odors from food preparation should be negligible from Wal-Mart. All businesses in the proposed development, whether in Phase I or Phase II, will be required to properly dispose of solid waste and adequately screen dumpsters on the site.

Based on the above, the Town of Hamburg Planning Board concludes that the proposed development will not have a significant negative impact on air quality or odors in the vicinity of the proposed plaza.

Impact on Growth, Health and Character of the Community

The existing zoning of the project site is C-2 (General Commercial), which allows (by Special Use Permit) for the uses proposed. Therefore, the proposed project meets the applicable requirements under the current C-2 zoning of the site. Buildings over 100,000 ft.^{2} require a special use permit and must meet the requirements of Article XLVI of the Hamburg Code. Typically for special uses in the Town of Hamburg, there are two sets of criteria that must be met to receive a special use permit. The first set of criteria are the general criteria listed in Section 280-312 and then there are usually some specific criteria. In the case of buildings over 100,000 ft.^{2}, there are no specific criteria. The Planning office explains this by stating that the special use requirement for buildings over 100,000 ft.^{2} required no specific criteria. The intent was that buildings over 100,000 ft.^{2} typically have a greater potential for impact and must be looked at carefully. Keeping this in mind and reviewing the general criteria, the following was noted concerning the 4 requirements for a special use permit:

(1) Will be in harmony with the general purposes and intent of this chapter.
- It would be assumed that the general intent of a special use permit for a building over 100,000 ft.^{2} would be to protect areas that are not suitable for large uses and their potential problems of these large uses. Based on the Town's review, this property has had a large building on the site for many years, and is suitable for this type of development. The impacts from this use have also been thoroughly analyzed.

(2) Will not create a hazard to health, safety or the general welfare.
- Again, the environmental review documented in this Negative Declaration has illustrated that the project, with its proposed mitigations, will not create a hazard to health, safety or the general welfare of the public.

(3) Will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
- The obvious first analysis is that the site is presently a large vacant plaza (retail) and that the conversion to a Wal-Mart and retail plaza will not change the character of the neighborhood. In fact, the improvements at the site (aesthetics, landscaping, infrastructure), may improve the character of the area. Some have argued that the character of the area has change over the years to residential. It is our interpretation that the area has always been a mixed use area (residential, commercial, recreational and light industry) and continues to be a mixed use area (Planned Unit Development Area in the comprehensive Plan). The plaza provides the retail services for this area of the Town.

(4) Will not otherwise be detrimental to the public convenience and welfare.

- This environmental analysis has shown that the project will not be detrimental to the public convenience and welfare. The biggest issue has been the concern over traffic impacts and the effects on public convenience and welfare. Although it is acknowledged that additional traffic will be generated in the area from this project, the traffic study has shown that these impacts are within acceptable limits (with the mitigations proposed).

The project site consists of a largely vacant plaza that will be demolished and rebuilt without drastically changing the density of land use on the site. Because the project involves redevelopment of an existing commercial plaza in a district zoned for commercial use, impacts on the surrounding community are decreased. The out parcel will be limited to retail or restaurant and will not include any automotive uses or a gasoline station.

The redevelopment of this vacant plaza may serve to provide a local shopping choice closer to residents' homes and at the same time improve the visual impact to the community.

Any fertilizers, chemicals and pesticides found in the Wal-Mart Supercenter will be stored in a portion of the Garden Center that is completely enclosed and roofed so the materials are not exposed to stormwater. The drive-thru portion of the Garden Center will be used to load items into patrons' vehicles. There are no drains or catch basins in the drive-thru area. No fertilizers, chemicals or pesticides will be sold or stored outside or in areas exposed to storm water. Wal-Mart has also agreed to remove the outdoors seasonal display area.

Based on the above, the Town of Hamburg concludes that the proposed development will not have a significant negative impact on the community's growth, health or character.

Impact on Transportation

Potential traffic impacts from the Wal-Mart Supercenter development were addressed in a Traffic Impact Study completed by the applicant. The traffic data collected for this study consisted of turning movement counts, traffic volumes and previously collected traffic volumes. The methodology used to collect, review and analyze the data is correct and standard for this type of report. The Traffic Impact Study was reviewed by the Town Planning Department and the independent firm Watts Engineers, the Town's Traffic Safety Advisory Board, Erie County Department of Highways and NYS Department of Transportation. The collaborative review of the Study allowed for a comprehensive and objective review of the traffic impacts. The statements issued by each reviewing entity are attached for reference.

There were several areas of concern regarding the traffic. The concerns include on-site traffic circulation, pedestrian accommodations, number of trucks entering the site, when trucks would be on the site, the proximity of a railroad crossing, safety, residential access nearby, and increased congestion at the existing signalized intersection.

Recommendations/mitigations proposed by the applicant in the Traffic Impact Study are acceptable and reasonable given the proposed site plan for this development. A follow-

up traffic analysis will be required after the Wal-Mart is constructed (see County Highway letter), and development of the Benderson Phase II will require a new updated T.I.S.

In summary:

1. The data collection was adequate and met standards
2. The methodologies of the analysis were correct and accurately applied
3. The mitigation proposed will help to mitigate traffic impacts to the maximum extent practicable.
4. The project will create additional traffic in the area, but the TIS shows that the impacts (reduced by mitigations) will not be beyond allowable traffic standards
5. The future phase II development of the Benderson portion of the site will not create significant traffic problems. At the time of site plan applications for the Benderson site, the traffic will be revisited to ensure that the impacts remain minor
6. Future development on site may be limited by existing on-site traffic circulation and volumes

Please see attached memos for further documentation of the review of the impact on traffic.

The Hamburg Planning Board therefore concludes that the project ,as designed, will not result in any significant adverse impacts to the natural resources of the Town of Hamburg or the State and/or the health, safety and welfare of the public. and is consistent with social and economic considerations. In reaching this decision, the Hamburg Planning Board carefully considered all criteria for Determination of Significance listed in the SEQR regulations (6 NYCRR 617.7). This document and the documents submitted by the applicant entitled "Environmental Assessment—Books 1 of 2 and 2 of 2" shall constitute the Lead Agency's Part 3 of the EAF.

For Further Information:

Contact Person: Andrew Reilly, PE, AICP
Town of Hamburg Planning Department
S6111 South Park Avenue
Hamburg, New York 14075
Phone: (716) 649-2023

Date: September 20, 2006 (Planning Board Resolution Issued)

TOWN OF HAMBURG
ENGINEERING DEPARTMENT

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Town Engineer
GERARD M. KAPSIAK, P.E.

Town Attorney
VINCENT J. SORRENTINO

Town Clerk
CATHERINE A. RYBCZYNSKI

Supt. of Highways
JAMES F. CONNOLLY

TO : Planning Board

FROM : Engineering Dept.

DATE : 9/14/06

SUBJ : 9/20/06 PLANNING BOARD MEETING AGENDA
Wal-Mart & Benderson Projects
Brierwood Plaza - Southwestern Blvd.

(1) We have not received an acceptable legal description for the project. One description for the entire site is required.

(2) The following are review comments on the June 2006 Environmental Assessment and APD Engineering responses to questions and concerns regarding the project:
- We have reviewed the Storm Water Management Report, and have determined that there will be no adverse drainage impacts.
- We have reviewed the sanitary sewer system information, and have determined that with the proposed sewer improvements, the project will serve to beneficially reduce flows into the Town's downstream sewer system on Rogers Road.
- We have reviewed the Water Supply Report and agree with the conclusion that adequate domestic and fire flow requirements are available for the project.

(3) We will review the detailed site plan and construction drawings when they are submitted.

All comments are to be satisfactorily addressed for approval.

Gerard M. Kapsiak, P.E.
Town Engineer

Richard J. Lardo
Principal Engineer

-----Original Message-----
From: Edward Rutkowski [mailto:ERUTKOWSKI@dot.state.ny.us]
Sent: Wednesday, August 23, 2006 2:37 PM
To: Andrew Reilly
Cc: billrae@benderson.com; adake@srfa.net
Subject: Wal-Mart Supercenter - Southwestern at Rogers - Town of Hamburg

Drew,

We have reviewed the traffic impact study for the subject project and have the following comments:

The Department concurs with the study's recommendation to install a 3-color traffic signal at the intersection of the easterly site driveway and Southwestern Boulevard, based solely on Warrant #1. Warrants 2 and 9 combine not only volumes but accident history and/or delays, in determining whether a traffic signal is warranted. Warrants 2 and 9 can not be applied to projected traffic, as accidents and/or actual delays must be used to determine whether the traffic signal is warranted. In determining whether a traffic signal is warranted at a particular location, Warrants 10 and 11 are not typically used for this type of development. Warrants 10 and 11 are more appropriately used for manufacturing plants or industrial complexes, where large volumes of traffic are released at one time.

Based on the Highway Design Manual, the storage length for the eastbound left turn lane into the easterly (signalized) driveway should be 200', not 350'.

The Department's preference is to keep the two-way left turn lane (TWLTL) west of the westerly driveway striped as a TWLTL. We do not want it restriped as a left turn lane at this time.

The methodology used to determine the background traffic in and around the project site, which has been affected by the Department's capital project (PIN 5111.82) is acceptable. We also concur that analyzing the existing traffic signal operations and accident history would not be very pertinent, due to the reconstruction project.

We agree with the study's recommendation to construct a right turn lane from westbound Southwestern Boulevard into the easterly site driveway.

The Department agrees with the study's recommendation to construct a WB right turn lane from Southwestern into the westerly site driveway and the construction of a SB left turn lane from Rogers into the site driveway on Rogers, based on the redevelopment of the Benderson portion of the plaza.

Ed

Edward S. Rutkowski, P.E.
SEQR/Site Plan Review Coordinator
NYSDOT, Region 5
125 Main Street
Buffalo, NY 14203

MEMORANDUM

TO: Town of Hamburg Planning Board

FROM: Andrew C Reilly, AICP
Dana R Braun

DATE: September 14, 2006

SUBJECT: Hamburg Wal-Mart Supercenter – Traffic Impact Study Review

Introduction/Purpose:

A 205,000 square foot Wal-Mart Supercenter has been proposed in the Town of Hamburg. As part of the environmental review process for the project a Traffic Impact Study (TIS) was submitted by the applicant. The purpose of the TIS is to analyze existing traffic conditions and forecast future traffic conditions for the time when the development is completed. The TIS concludes by offering recommendations and mitigations for the additional traffic generated by site development. The site is located on the north-west corner of the intersection of Southwestern Blvd (NYS Rte. 20) and Rogers Rd. The site was previously utilized as a strip mall development but has been virtually empty for over a decade. There is an active use out parcel of a bank on site. The site is zoned commercially and site has been previously improved to support this type of development.

This review is to be considered as the official review by the Town Planner/Wendel Duchscherer as the Town Planning Consultant. The purpose is to review all components involved with and resulting from the site generated traffic. This review will examine the elements of the plan through the planning lens. Other entities have reviewed the Traffic Impact Study through engineering, public impact and regional impact views. The combined views presented through each of the reviews of the Traffic Impact Study will serve to all the Planning Board to make and informed decision regarding the traffic component of this development.

Methodology:

A Traffic Impact Statement is based on data collected in the field and from other sources. Traffic data for this project includes turning movement counts, volumes, and previously collected traffic volumes. Traffic counts were conducted for all roadways on October 21 and 22, 2006 with the exception of the four site driveways and Rte. 20/Abel St. which were counted on April 7 and 8, 2006. All Rte. 5 intersections were counted on June 2 & 3, 2006. The dates counted all occur within the school calendar year; therefore school generated traffic is

included. As the data was collected during the reconstruction of Southwestern Blvd, the numbers were adjusted using historical traffic flows to verify the accuracy of the volumes. The range of count data allows for the weekday peak hour and Saturday peak hour traffic volumes to be calculated. The peak hour represents the heaviest or worst case scenario traffic for the site. This method is commonly used in situations where other development or improvement projects are underway, resulting in an impact in the traffic volume numbers. Traffic volumes are then grown at a rate of 2% a year to represent the traffic volumes that will exist at the time construction is completed for the site. Methodology applied is correct, and accepted as a standard method of establishing base traffic for site development.

Data Tables:

The Study presented data in the form of tables for a simplification of the review. Data presented in the tables provides a quick review of the traffic conditions that are present and will be present in the future. Furthermore, tables were developed to show intersection ratings under each development scenario. Data presented in the tables represent the expected changes in level of service for a development of this size. The changes illustrated show some level of service decreases at certain peak times for several intersections. The changes are minimal and have been mitigated by the applicant to provide the least degree of level of service change for each intersection. For general clarification purposes, Table VIII should be integrated with Table IV for reference purposes. Also, the difference between full development and future development should be clarified in regards to the two tables and the site.

On-Site Traffic Circulation:

An issue that falls under the Planning review is on-site circulation. Establishing a pattern for moving vehicles throughout the site is critical to producing a quality site plan for development. Site circulation is the process of moving vehicles through the site in an efficient and timely manner, creating clear and defined ingress and egress points and clearly marked driving and parking areas. Another key component is to ensure that multiple uses do not cause vehicles to compete for parking spaces. Site circulation can be regulated with striping, planting strips, internal signage, barriers, medians and visual cues.

As presented, the site circulation plan utilizes visual queues to direct all internal traffic toward the Southwestern Blvd signalized intersection for ingress and egress. In site plans for large scale development it is correct to functionally direct traffic towards the signalized intersection. The traffic for the site will be best served if the signalized site access drive is utilized, as it is designed to accommodate the heaviest traffic volumes.

When additional out parcels are developed the site circulation plan should be revisited during the review of the proposed out-parcel

development. Additional draws for vehicles and to different areas of the site will result in the redirection of traffic flow patterns; as drivers search for paths of least resistance to reach their destination. Ultimately traffic volumes and internal circulation flows will be altered.

Routing of trucks on-site will also affect traffic circulation at certain times of day. Trucks will be on site at various times to make deliveries. Additional out parcel development, will affect traffic in the same manner when delivery trucks are accessing other on-site locations. An increase in truck traffic can be handled internal on site with the current site plan as is.

Pedestrian Accommodation:

The site plan provides pedestrian accommodations from the site entrance on Southwestern Boulevard to the main Wal-Mart entrance. This connection is achieved with a concrete walk that runs parallel to the main site drive on the south side. The walk crosses the roadway just before the corner of the Wal-Mart building. Crossings are provided with pavement markings and continue to connect the pedestrian to the front of the Wal-Mart store, at which point they can enter the store. As part of the Southwestern Boulevard reconstruction sidewalks will be constructed along Southwestern Boulevard. As a result, internal pedestrian circulation will benefit from the sidewalks and their location on site. Enhancement of sidewalk connections to Rogers Road could benefit the utilization of the on site sidewalks. The Planning Board should consider if other sidewalk connections are needed (to the apartment complex?).

Public Concern:

During the public hearing that was held on August 23, 2006, some items were determined to be of general public concern in regards to the traffic generated from the site. The concerns included questions about the number of trucks coming to Wal-Mart, what was there origin and destination, the time of truck deliveries, when the traffic study was completed, and if it properly included school traffic. Other concerns pertained to accident rates, accessibility for neighboring residential units to access their personal homes, and the general concern regarding the increase in the volume of traffic. The applicant, for the purposes and scope of this TIS has adequately addressed all concerns raised at the public hearing.

Recommendations Proposed by Applicant:

1. Signal timing adjustments may be needed at the Southwestern Boulevard/Route 75 intersection as a result of the proposed development.
2. Reconstruct the existing westerly site drive to provide one lane entering and two lanes existing.
3. Provide 274' of storage for an exclusive eastbound left turn lane on Southwestern Boulevard at the westerly site driveway.

4. Reconstruct existing easterly site drive to provide one lane entering and 2 lanes exiting (one left and on right turn lane).
5. Provide 350' of storage for an exclusive eastbound left turn lane on Southwestern Boulevard at the easterly site driveway.
6. The recommended westbound right turn lane on Southwestern Boulevard at the east site drive should be constructed to provide 326' (230' for storage and 96' taper).
7. Construct a new multi-phase, 3-color traffic signal at the easterly site driveway intersection with Southwestern Boulevard.
8. All recommended roadway and intersection improvements on Southwestern Boulevard are subject to review and approval by NYSDOT.

The recommendations proposed by the applicant are acceptable and reasonable given the proposed site plan. The applicant has mitigated proposed impacts to the traffic network to create an acceptable level of service for the traffic network. Due to the complexity of this site development and NYSDOT reconstruction of Southwestern Boulevard it is recommended that an addendum to this Traffic Impact Study be completed when the Wal-Mart Supercenter is completely built and the reconstruction by NYSDOT is complete. This would allow the applicant to accurately determine what, if any modifications would be needed to the traffic network. If needed, further mitigations could be determined with the Town's input and implemented at that time. Additional review at a later date would provide a precise post build condition report. While the applicants study is very conservative for traffic volumes and depicts a worst case scenario, the development itself holds many variables that could effect the forecasted traffic volumes in relation to the actual traffic volumes.

The Planning Board and their consultant along with the independent firm of Watts Engineers, the Traffic Safety Advisory Board, Erie County Department of Highways and the NYSDOT have all completed a review of the Traffic Impact Study provided by the applicant. The purpose of having five separate public and private entities review the Traffic Impact Study is to ensure the quality of the review completed. All official reviews will be considered and referenced by the Planning Board, as a means to develop an official stance on the traffic component of this development.

In summary:

1. The data collection was adequate and met standards.
2. The methodologies of analysis were correct.
3. The mitigations purposed will help to mitigate traffic impacts.
4. The project will create additional traffic in the area, but the TIS shows that the impacts (reduced by mitigations) will not be beyond allowed traffic standards.
5. The future development of the Benderson portion of the site will also in general not create significant traffic problems. At the time of site plan application for the Benderson site, the

traffic will be re-visited to ensure that the impacts remain minor.

WATTS ENGINEERS

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(716) 836-1540 FAX: (716) 836-2402
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September 15, 2006

Andrew C. Reilly, P.E., AICP
Wendel Duchscherer Architects & Engineers
140 John James Audubon Parkway, Suite 201
Amherst, New York 14228

Re: Letter Report for Technical Review of a Traffic Impact Study (TIS) for the Proposed Wal-Mart Super Center
Town of Hamburg, Erie County, New York
Watts Project Number Y6142

Dear Mr. Reilly:

We have completed our technical review of the Traffic Impact Study (TIS) prepared by SRF Associates (June 2006) for the proposed Wal-Mart in the Town of Hamburg.

We have performed our review in accordance with the Scope of Services that was presented in our August 28, 2006 proposal to you. This letter summarizes the nature of our review and presents our findings.

The Nature of Our Review

In conformance with our Scope of Services, our review of the TIS consisted of the following:

- We have familiarized ourselves with the proposed project, its background, the existing site conditions, and traffic operations and patterns. This familiarization included site visits to the study area.

- We have read and reviewed the TIS. Our review of the TIS included the background traffic data (including adjustments to traffic counts based on current Route 20 reconstruction); proposed site-generated traffic volumes and trip distribution (including provisions for the potential development of the adjacent parcel on the site); the data summary tables including turning movements, vehicle distribution, and levels of service. As part of this review, we obtained and reviewed the electronic files for the traffic model (Synchro) that was used in the TIS.

- We have reviewed the traffic signal warrant analysis.

- We have reviewed the queue-length discussion related to the nearby railroad tracks.

- We have reviewed the traffic mitigation measures recommended in the TIS.
- We have reviewed the NYSDOT comments on the TIS (stated in an 8/23/2006 e-mail from Ed Rutkowski to Andrew Reilly) and the TIS modifications listed in the letter from SRF to APD Engineering (8/1/2006).
- It is our understanding that the review of issues related to pedestrian and bicycle traffic and internal circulation of traffic on the site/parking are being made by others.

Our Findings

Based on our review, we feel the TIS is adequate and we find that no significant impacts are to be expected from site traffic. The TIS (including the proposed mitigation measures) employed accepted methods that were properly applied, used generally conservative projected traffic volumes, and demonstrated acceptable results for traffic utilizing the subject roadways. Our opinion is based on the understanding that the aforementioned NYSDOT comments will be adhered to and that information stated in aforementioned letter from SRF (8/1/2006) will be incorporated into the finalized TIS.

We feel that when the future development of the Benderson portion of the site becomes more defined, another TIS should be performed specifically for this parcel that uses new traffic counts, signal timing, etc. This will provide accurate background traffic for the proposed development by reflecting traffic volumes following completion of the Route 20 reconstruction. Though the current Wal-Mart TIS has accounted for the traffic expected to be generated by the Benderson development, these projections should not be considered an adequate substitute for a site-specific TIS for the future development of this parcel. This re-visiting of the traffic for the future Benderson development will be especially important for assessing the operation of the unsignalized west drive to the site from Route 20.

We agree with comments contained in the aforementioned 8/1/2006 letter regarding the railroad tracks at Rogers Road. Namely, the distance of the tracks and the relatively low site-generated volumes at these locations will not have a significant effect on the Wal-Mart site.

To summarize, we concur with the proposed mitigations and find that the traffic numbers are conservative and that no significant impacts are to be expected due to site generated traffic.

Please contact us if you are in need of more information or have any questions.

Sincerely,
WATTS ENGINEERING & ARCHITECTURE, P.C.

Donald Wolf
Senior Traffic Engineer

John Honan, P.E.
Project Manager

APD Engineering
3445 Winton Place - Suite 208
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585-273-0273
Fax: 585-273-0276
Website: www.apd.com

September 12, 2006

Town of Hamburg
Planning Department
6100 South Park Avenue
Hamburg, NY 14075
Attn: Andrew Reilly, Town Planner

Re: Proposed Re-Development of Brierwood Plaza **05-0158**
Hamburg, NY (Southwestern Boulevard)
Response to Planning Department Comments

Dear Mr. Reilly:

Please find the responses to the two memos we have received from the Hamburg Planning Department dated August 30, 2006. The comments are listed below in *italics*, with our corresponding responses in **bold text.**

1. Crime related Issues.

Response: As presented in Page 43 of the June 30, 2006 Environmental Assessment, the Town of Hamburg's Police Department does not anticipate any major concerns with the operation of the facility.

The comments by one resident at the August 23, 2006 Public Hearing expressed the belief that Wal-Mart would lead to increased crime in the area. That resident submitted statistical data to the board that included a national "analysis" of crime at 551 Wal-Mart stores. It is not uncommon for groups opposed to Wal-Mart to prepare "studies" that look only at stores that are in high crime areas or to misstate the true nature of police calls involving Wal-Mart. The evaluation submitted does not appear to include any or a very limited number of New York State stores in the evaluation. The evaluation does not consider the specifics of the details of police calls or provide the background of general criminal activity in the surrounding area. Many times Police Reports will use the Wal-Mart as a location reference when the incident actually occurred off the Wal-Mart premises and had no connection to the store.

In addition to the national report the same resident included the Hamburg Police "Blotter Log Report" from 8/22/05 to 8/22/06 for the existing Wal-Mart store. This data indicated the store had 173 incidents reported to this location. The report does not provide detailed specifics to the incidents, therefore it is difficult to determine if any of these incidents were only using Wal-Mart as a location and the incident was unrelated to the store operation. Such call types as Emergency Medical Service ("EMS"), vehicle accident, miscellaneous, traffic stop, illegal parking, property other, disabled vehicle, notification, animal other and 911 hang ups or wrong numbers do not necessarily relate to the store operation. Even

including all these incidents the total dispatched time for an officer for the entire year was 107 hours and 7 minutes. If we consider a full time officer on duty time to be 48 weeks (4 weeks for holiday and vacation) at 40 hours a week the 107 hours and 7 minutes would represent only +/-5.6% of one officers time. As stated in the Environmental Assessment the Town of Hamburg employees 65 sworn Police Officers. Therefore impact of the existing store on the Hamburg Police resources is not significant and the relocation and expansion to a Supercenter is not expected to change that.

2. *Residential nature of area and affect now on these residents*

Response: The existing project site can be characterized as a run down plaza with a high vacancy rate. The Plaza is zoned C-2 - General Commercial and has been used for commercial purposes for many decades. The site is surrounded by properties zoned R-1 and R-3, Single Family and Multi-family Residence, and C-2 General Commercial. Retail stores over 100,000 sq. ft. are allowed in the C-2 district with a special use permit. The site currently houses a shopping plaza which once contained several large retail stores including, K-Mart, Hans and Kelly Department Store, Bells grocery store, Loblaws Department Store, D& K Stores, Montgomery Wards and Sears. Design measures have been proposed to reduce impacts on residential neighbors.

A portion of the property to the northwest contains apartments. These apartments presently receive very little buffering from commercial operations at the Plaza. The project will add a landscape berm and sound wall to provide enhanced visual and noise buffering. The property to the east contains on single family home that is contiguous to the existing bank that will remain. This property is presently zoned commercial but remains a residential use. The project will relocate the bank parking to the north AWAY from the house and add a fence along the property line to buffer visual and noise impacts of the continued bank operations. Further north of the single family house is the end of FairFax Park which includes multi unit residential. This development will remain buffered by a large undeveloped "green space" area. Residential homes located along Southwestern or Rogers Roads opposite the site will see significant visual improvements to the site and buildings.

The project blends well with the surrounding residential uses by providing a transition from commercial to multi unit residential to single family residential. This is a well recognized planning approach.

Given that the project involves re-development of an existing commercial plaza in a district zoned for commercial use and given the design elements proposed, there will be no significant adverse impacts on the character of the surrounding neighborhood.

As stated by many local residents during the Public Hearing this development will provide increased choices and convenience in local grocery and retail shopping. These residents stated that they are presently traveling across Town to meet their grocery and shopping needs. Therefore to the majority of the local residents this project will provide a benefit by improving the visual impact of the site while providing a local shopping choice.

3. *Traffic on Rogers and Amsdell Roads*

Response: Traffic Impacts have been thoroughly examined and the re-development plan contains a number of specific design features for the Wal-Mart phase of the project. See the Environmental Assessment pages 20-23 and Appendix C. The Traffic Impact Study has been independently reviewed by the New York State Department of Transportation ("NYSDOT") (which concurred) and by the Town's Consultants. The design elements of the Project as set forth in the Environmental Assessment demonstrate that traffic impacts on Rogers and Amsdell Roads will not be significant.

4. *Traffic on Southwestern Blvd. - problems on Southwestern due to late afternoon sun and knoll in road*

Response: Traffic impacts have been thoroughly examined and the re-development plan contains a number of specific design features for the Wal-Mart phase of the project. See the Environmental Assessment pages 20-23 and Appendix C. The Traffic Impact Study has been independently reviewed by the NYSDOT (which concurred) and by the Town's Consultants. The design elements of the Project as set forth in the Environmental Assessment demonstrate that traffic impacts on Southwestern Boulevard will not be significant. Southwestern Boulevard is currently being upgraded by the NYSDOT.

5. *Affect on Pleasant and Sowles?*

Response: Traffic impacts have been thoroughly examined and the re-development plan contains a number of specific design features for the Wal-Mart phase of the project. See the Environmental Assessment pages 20-23 and Appendix C. The Traffic Impact Study has been independently reviewed by NYSDOT (which concurred) and by the Town's Consultants. The design elements of the Project as set forth in the Environmental Assessment demonstrate that traffic impacts on Pleasant Road will not be significant. Sowles Road is located to the east of Camp Road and was not included in the study area at the direction of the NYSDOT. The projected increase in traffic volumes at this intersection will be on the order of 100 vehicles per hour ("vph") per direction which corresponds to the generally accepted limit for inclusion in a traffic study. The proposed project is not expected to cause any significant traffic impacts at this intersection nor require mitigation.

6. *Higher costs of maintaining roads*

Response: Southwestern Boulevard is currently being upgraded by the NYSDOT. All other traffic related design elements will be installed at either Wal-Mart's expense or at Benderson's expense.

The maintenance of roads is based on many factors including original construction date and method of construction, traffic, ground water, freeze thaw, turning movements and age. The major traffic flow for the project will be from Southwestern Boulevard which is presently being rebuilt by the NYSDOT. This reconstruction includes all new pavement, drainage and sidewalks in the project area and many of the surrounding intersections. This will postpone the need for any major reconstruction along this section of road for the foreseeable future. Rogers Road will receive additional traffic but at levels that would not significantly deteriorate the road. One of the major impacts to road deterioration is turning movements.

Phase II of the project proposes includes improvements to the Rogers Road entrance that will improve that section of Rogers Road and will minimize future deterioration. The project will generate property and sales tax that provides additional government revenue for road maintenance. It should also be noted that some longer trips for local residences to grocery and shopping on the other side of Town will likely be diverted to this project thus reducing traffic on other Town and County roads. Therefore the over all affect to Town and County road maintenances will not be significant. In addition, a portion of the traffic that will enter and exit the site already passes by the site on Southwestern Boulevard and/or Rogers Road. Therefore, the actual increase in traffic on the adjacent highways is lower than might be perceived.

7. *Smaller scale would be better*

Response: The project contains two phases. Wal-Mart is Phase I and there is a definite and well developed plan. The proposed 208,000 sq. ft. Wal-Mart Store is designed to provide for the same services offered at the current Wal-Mart store PLUS full grocery services. The reasoning for the size of the Wal-Mart Supercenter is described on page 51 of the Environmental Assessment. The Wal-Mart site plan reflects careful design elements so that Phase I does not have significant impacts. Reducing the size of the Wal-Mart store would not meet the objectives of providing increased shopper choice and convenience.

Phase II is re-development of the remaining portion of the plaza by Benderson. Benderson does not have a specific or detailed plan at this time. The sketch plan Benderson provided shows an anticipated maximum amount of building so that the Environmental Assessment could be done on a "worst case" basis. The final Benderson plans may be for less square footage. The Planning Board will review Phase II as it is subsequently developed during the Site Plan Approval Process and compare that application with the original information outlined in this projects Environmental Assessment. If during those approvals the project impacts change then the Planning Board can reopen the State Environmental Quality Review ("SEQR") Act process to evaluate those impacts.

8. *Volume of railroad traffic will cause traffic problems (including emergency vehicles)*

Response: The Environmental Assessment traffic analysis included evaluation of railroad impacts on area traffic, and concluded the impact would not be significant. See the Environmental Assessment Appendix C. It is noted that there are two adjacent crossings that are grade separated that would provide alternate routes should traffic queues resulting from train activity become a problem.

9. *Area needs to be walkable*

Response: The NYSDOT project includes sidewalks along Southwestern Boulevard. The Wal-Mart site plan provides for pedestrian access into the Wal-Mart store. The project incorporates sidewalks that connect the Wal-Mart and existing bank to those being built by NYSDOT along Southwestern Boulevard. This will provide any pedestrian with walkable routes from the Wal-Mart and existing bank to interconnecting sidewalks of the Town.

10. Storage of chemicals or pesticides on site

Response: This issue was addressed in the Environmental Assessment at pages 12-14. All fertilizers and pesticides will be stored in a portion of the "Garden Center" that is completely enclosed and roofed so the materials are not exposed to stormwater. The drive-thru portion of the Garden Center will be used to load items into patron's vehicles. There are no drains/catch basins in the drive-thru portion of the Garden Center. The interior Garden Center's floor drains will be connected directly to the sanitary sewer. No chemicals or pesticides are proposed to be sold or stored outside or in areas exposed to stormwater.

The Tire Lube Express ("TLE") area is designed to prevent the discharge of petroleum to ground or surface waters. All TLE work is performed inside the building and floor and trench drains are located at overhead doors to prevent liquids from leaving the garage floor area. The floor drains go to oil, grease and grit separators prior to discharge to the sanitary sewer system.

11. Impact on groundwater

Response: See above. The project does not include any wells or recharge systems that would directly impact groundwater. Surface run-off is being directed to water quality and detention basins where the stormwater will be treated prior leaving the site. The site is presently developed and the redevelopment is generally confined to the existing impervious area. The entire project area with the Wal-Mart parcel and the Phase II Benderson development encompasses 43.7 acres. If the Wal-Mart parcel and the Phase II areas are developed as presently shown the overall parcel would maintain a +/-34% greenspace ratio.

Also the project does not involve any process wastewater discharges. All sanitary wastewater will be discharged to the sewer system. The on-site sanitary systems will be replaced with new pipes and manholes. The sewer system between the site and the Town system will be replaced with new pipes or slip-lined to seal the system from ground water infiltration. Many of the existing sewer lines are old and are contributing to ground water infiltration during storm events. Given the design elements of the project, there will not be any significant adverse impact on groundwater and in fact the project will improve groundwater quality by improving the pre-existing sewer infiltration condition.

12. Project impacting some natural areas. Why build stormwater ponds to impact these areas

Response: The rationale and purpose of the stormwater system is set forth in the Environmental Assessment at page 26 and at Appendix D. Current New York State Department of Environmental Conservation ("NYSDEC") standards require design features that address both stormwater run-off quantity and quality. The proposed stormwater system meets all such standards. The above ground system proposed includes several design features such as micro pools, wetlands and upland areas to provide enhanced water quality and wildlife habitat. The proposed system actually provides a habitat area while enhancing water quality to run-off and lower run-off rates down stream.

The Town Conservation Advisory Board, in a May 3, 2006 report to the Planning Board noted that the proposed detention pond in the north west corner of the site would be "...a slight enhancement to the wetland."

The proposed project is attempting to improve stormwater quality and decrease stormwater run-off rates. To accomplish this, the project must incorporate detention and treatment. Detention requires water to be stored over time. The only areas available are above ground in the existing "green" area or development of a buried system. The problems with a buried system are they are not recognized in NYSDEC's Stormwater Management Design Manual Table 5.1 "Stormwater Management Practices Acceptable for Water Quality". Buried systems are utilized when space restrictions do not permit an above ground system and typically require additional treatment systems such as filtering.

Underground stormwater systems are very expensive, require extensive maintenance and are subject to failures. One problem with buried systems is they are not visible or easily inspected therefore they can become blocked or plugged without any visible signs until a major storm event occurs.

13. Existing flooding problems

Response: See Environmental Assessment pages 24-29 and Appendix D. Wal-Mart has provided a detailed Stormwater Management Report and has outlined the provisions of its Storm Water Pollution Prevention Plan ("SWPPP") to ensure that any impacts to surrounding lands have been mitigated to the maximum extent practicable. The proposed stormwater system will improve current conditions by REDUCING peak run-off rates (for both the 10 year and 100 year storm events) to downstream locations and by improving water quality to downstream locations. The submitted reports have been reviewed by the Town Engineering staff who concur in the analysis and conclusions.

14. Sewer problems

Response: See Environmental Assessment at pages 17-19. The Applicant has discussed the sewer existing area sanitary sewer problems with the Town Engineer and is aware the area has experienced ground water infiltration into the sanitary system. The Applicant has provided the Town Engineer with a video of the existing system and a report on the findings of that study. Existing infiltration problems are largely due to old clay sewer pipes that leak at joints or cracks in the pipe. To address this concern as it relates to this project the entire on-site sanitary sewer system will be abandoned and a new system (pipes and manholes) installed at the Applicant's expense. The mainline from the site to the municipal system on Rogers Road will be replaced or lined at the Applicant's expenses to prevent leakage.

The project will not have any significant adverse impact on groundwater and in fact will improve groundwater quality by improving the pre-existing sewer infiltration condition. We also understand that the Town has been addressing area sewer issues (off the Brierwood premises).

15. Lighting - will eliminate "starry sky"

Response: This is not accurate. As discussed at page 34 of the Environmental Assessment, to minimize lighting trespass and glare on the adjacent properties, the Applicant has selected

the Magnusquare Series from Hubbell Lighting, Inc. for the lighting fixtures on this site. These fixtures have specially designed reflectors and a flat lens that achieve full cut-off classification as defined by the Illuminating Engineering Society of North America ("IESNA"). IESNA classifies full cutoff light fixtures as ones that do not shine light at or above an angle of 90°. The resulting effect on the neighboring properties is minimal, shown on the lighting plan shown in Figure 10 of the Environmental Assessment. The selection of these specific light fixtures mitigates the effects that the addition of new light poles in the redeveloped site would potentially have on neighboring residential properties. The proposed lighting levels adjacent to residential areas will be less than or equal to existing conditions.

16. Signage - will there be flashing signs

Response: Although a final signage plan has not been developed for the proposed Wal-Mart Supercenter development since it will depend, in part, on the building architectural treatment preferred by the Town, no flashing signage is proposed for either phase of the project. Signage that is typically proposed for Wal-Mart buildings is included as Appendix A of the Environmental Assessment. Details of final signage for either Phase I or II of the project will be subject to Town review and approval.

17. Impact on residence just to the east

Response: This residence is located adjacent to the existing Bank of America facility that will be retained by Benderson. This residence has also lost some depth to the front yard due to NYSDOT's Southwestern Boulevard project.

As mentioned in response #2 above, the property to the east is zoned commercial, but is occupied by a single residential house. The bank layout has been revised to move parking to the other side of the bank where the building can buffer the noise associated with that parking field. A fence has been added to the site plan between the bank parcel and the house to reduce the impact of light, visual, noise, trash or pedestrians trespassing on the adjacent parcel. The land owner has requested an access cross-connection to the bank parcel. However, the applicants are concerned such a connection could provide negative impacts to the neighboring property due to creating a cut through for traffic entering or exiting the Plaza and due to a creating an opening in any visual and noise buffer between the bank and the neighbor. The adjacent property does have two driveways on to Southwestern Boulevard that will be maintained. Although a right turn lane partially in front of the adjacent parcel has been added by the NYSDOT, the resident's driveway furthest to the east is near the beginning of that right turn lane and should remain open even during the peak hour. It is not uncommon for residents along major connect routes to turn right out of their driveways during peak hours then turn around at the next intersection (here the signalized intersection into the Wal-Mart Phase) to diminish delays and exit safely.

18. Impact on Hidden Lake & Lake Erie

Response: As indicated through out these responses, in the Environmental Assessment (pages 24- 26 and Appendix D) and with in the Stormwater Management Report the project is designed to improve stormwater run-off quality and lower peak run-off rates. Run-off

rates will DECREASE significantly from 14% to 31% depending on the storm event. This is important when considering the impact on downstream waters of scouring and erosion caused by high flows. The stormwater system for Wal-Mart will meet the new NYSDEC Phase II stormwater discharge regulations. This is important because these regulations now require features designed to IMPROVE the water quality of downstream stormwater run-off. The project when completed should provide a significant improvement to water quality and lower run-rates which should benefit downstream water systems including Hidden Lake and Lake Erie.

The drainage report has been submitted to the Town Engineering staff and no major issues have been found. Wal-Mart will continue to work with the Town during the site plan review process to finalize the drainage design.

19. Existing entrance off Rogers Road (towards lake) is poor location

Response: There are presently two entrances to the Plaza off Rogers Road. In Phase II the southern entrance (closest to Southwestern Boulevard) will be closed off. The location shown for Phase II Rogers Road driveway is at the existing northern entrance location where traffic is accustomed to entering and exiting the site. The entrance will be improved with Phase II to provide a left turn lane on Rogers Road which will allow south bound entering traffic to move out of the way of through traffic. This entrance presently has a brick monument and overgrown vegetation that will be removed to provide improved sight distance. Some minor grading could also help to improve this sight distance. The proposed location does provide the maximum distance from the signalized intersection at Rogers Road and Southwestern Boulevard which helps to minimize conflicts with any stacking or signal operation.

Below are the three responses to comments presented by Mr. Drew Reilly of the Hamburg Planning Department in a memo dated August 30, 2006 to the Hamburg Planning Department:

As was stated at the August 23, 2006 public hearing on the Wal-Mart project, it is the intent of the Town to have the public hearing minutes available at the Town for the public to review. During the meeting, the public also asked some clarification questions that the Planning Department agreed to address and attached to the minutes. This memo represents the answers to those questions.

1. *Question concerning the number of trucks coming to Wal-Mart, where they are zoning from and the time of these truck deliveries.*

   Mr. Reilly Answer: It is noted in the noise portion of the Environmental Assessment that at peak conditions five trucks per hour will be accessing the site for a 24-hour period. This factor was used for calculation of noise levels produced by the development.

   In the traffic modeling, a 2% factor is used for heavy vehicles (trucks). Indicating that during peak hour times (weekday PM and Saturday) for which traffic review, analysis, and simulation was completed for, 2% of that traffic would be comprised of trucks. This methodology of calculating truck traffic and the percentage used is correct and normal for the Traffic Impact Study (TIS).

   There are no further references given for truck traffic regarding origin/destination, time of delivery, amount of time on site, or daily volumes. This information is typically not required for a TIS to be completed. In this situation it is recognized that the information should be

provided by the applicant to the best of their knowledge, due to the public comment on the subject.

Response: As discussed in Section C of the Environmental Assessment, trucks traveling to the site will typically exit from the NYS Thruway (Interstate 90), travel north along Camp Road to Southwestern Boulevard (NYS Route 20). Trucks will be able to enter the plaza at one of the two entrances along Southwestern Boulevard (NYS Route 20) and exit the site via the one signalized Southwestern Boulevard (NYS Route 20) intersection. This pattern will allow the trucks to safely exit the plaza with the assistance of the signalized intersection. Delivery frequency will fluctuate depending on demand, store activity, location, and season. The Wal-Mart delivery schedule for a Wal-Mart Supercenter is typically 3 semi-tractor trailers, 2 for grocery delivery and one for general merchandise delivery per day. In addition to the Wal-Mart truck deliveries there are +/-20 single unit trucks to supply brand specific merchandise such as soda, chips, milk etc. These deliveries are typically made during day time business hours. Wal-Mart has agreed to limit their truck deliveries from 6 am to 10 pm.

2. *When was the traffic study completed, and did it include school traffic?*
   Mr. Reilly Answer: The Traffic Impact Study was completed in June 2006. Traffic counts were conducted for all roadways on October 21 and 22, ~~2006~~ 2005 with the exception of the four site driveways and Rte. 20/Abel St. which were counted on April 7 and 8, 2006. All Rte. 5 intersections were counted on June 2 & 3, 2006. Dates counted all appear to occur within school calendar year; therefore school traffic is included.

Response: School traffic was included in the Traffic Impact Study.

3. *There was also a question about an independent traffic analysis.*

Response: The Traffic Impact Study submitted by Wal-Mart has been reviewed by several independent agencies including the NYSDOT, Erie County DOT, and the Town of Hamburg planning and traffic consultants Wendell-Duscherer and Watts Engineers.

Should you have any comments, questions, or are in need of additional information, please feel free to contact us.

Sincerely,

Todd Markevicz, P.E.
Project Engineer

cc: Gerard Koenig, Chairman Planning Board
Planning Board Members
Neal D. Madden Esq., Harter Secret & Emery, LLP

County of Erie

JOEL A. GIAMBRA
COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

JOHN C. LOFFREDO, P.E.
COMMISSIONER

GERARD J. SENTZ, P.E.
DEPUTY COMMISSIONER

TELEPHONE: 716/858-8369
FAX: 716/858-8228
E-MAIL: dpwmail@erie.gov

September 18, 2006

Mr. Drew Reilly
Planning Department
Town of Hamburg
6100 South Park Avenue
Hamburg, NY 14075

RE: Rogers Road (CR 464)
SUPER Wal-Mart
Town of Hamburg

Dear Mr. Reilly:

This department has completed our review of the subject project Traffic Impact Study. We generally agree with the trip distribution and analysis of the intersections included in the study. The existing site entrance to Rogers Road is acceptable to remain as shown on the proposed plan. As a measure to better assess the actual impact of site generated traffic to this county highway a post-development traffic analysis must be completed, no later 12 months following store opening, to fully identify any highway mitigation that may be required. Therefore approval for the site entrance on Rogers Road to remain is conditional on completion of the post-development analysis.

An Erie County Highway Work Permit will be required for any work to be performed in the right-of-way, which will require detailed design drawings be submitted for approval. Should you require further assistance with this matter, please contact me at 858 – 8067.

Very truly yours,

JOHN C. LOFFREDO, P.E.
COMMISSIONER OF PUBLIC WORKS

By: _____
Michael J. Asklar, P.E.
Traffic Safety Engineer

cc: Gerard J. Sentz, P.E. Charles A. Sickler, P.E.
Wayne S. Scibor, P.E. Carl Dimmig, P.E.
File-RogersRd-CR464-WalMart-9-18-06

Inclusive LOS table – Wal-Mart Supercenter, Hamburg, NY

INTERSECTION	BACKGROUND CONDITIONS		FULL DEVELOPMENT CONDITIONS		FULL DEVELOPMENT W/ MITIGATION		FUTURE DEVELOPMENT W/BRIERWOOD	
	PM	SAT	PM	SAT	PM	SAT	PM	SAT
Route 20 / Amsdell Road								
EB - Route 20	A	A	A	A			A	A
WB - Route 20	A	A	A	A	NA	NA	A	A
NB - Amsdell Road	B	B	B	B			B	B
SB - Amsdell Road	C	C	C	C			C	C
Overall LOS / Delay in sec/veh	B(10.5)	A(9.4)	B(11.0)	B(10.3)			B(11.3)	B(10.6)
Route 20 / Rogers Road								
EB - Route 20	A	A	A	A			B	B
WB - Route 20	A	A	A	A	NA	NA	B	A
NB - Rogers Road	B	B	B	B			B	B
SB - Rogers Road	C	C	C	C			C	C
Overall LOS / Delay in sec/veh	B(10.3)	A(9.0)	B(11.2)	A(9.7)			B(14.0)	B(12.4)
Route 20 / Abel Road/ Fairfax Pk					NA	NA		
EB Left - Route 20	B	B	C	B			C	C
WB Left - Route 20	B	B	C	C			C	C
NB - Abel Road	B	C	D	E			F	F
SB - Fairfax Park	F	E	F	F			F	F
Route 20 / Route 75(Camp Road)								
EB - Route 20	E	C	F	D			F	D
WB - Route 20	F	D	F	D	NA	NA	F	E
NB - Camp Road	D	C	E	D			E	D
SB - Camp Road	E	D	E	D			E	D
Overall LOS / Delay in sec/veh	E(67.6)	D(35.6)	F(83.4)	D(42.8)			F(93.3)	D(48.8)
Rogers Road /Cloverbank Road								
EB - Cloverbank Road	B	A	B	B	NA	NA	B	B
NB Left - Rogers Road	A	A	A	A			A	A
Rogers Road /North Site Drive								
WB - North Site Drive	B	A	B	B	NA	NA	C	D
SB Left - Rogers Road	A	A	A	A			A	A
Rogers Road /South Site Drive								
WB - South Site Drive	B	B	B	B	NA	NA	NA	NA
SB Left - Rogers Road	A	A	A	A				
Route 20 / West Site Drive								
EB Left - Route 20	B	B	C	B	C	B	E	C
SB - West Site Drive	C	C	E	D	E	C	F	F
Route 20 / East Site Drive	Unsignalized				Signalized			
EB Left - Route 20	B	B	D	C	-	-	-	-
EB - Route 20	-	-	-	-	A	B	A	B
WB - Route 20	-	-	-	-	C	B	C	C
SB - West Site Drive	D	C	F	F	C	C	C	C
Overall LOS / Delay in sec/veh	-	-	-	-	B(17.7)	B(16.2)	C(23.5)	C(20.9)
Route 5 / Rogers Road								
EB - Route 5	A	A	A	A			A	A
WB - Route 5	B	A	C	A	NA	NA	C	A
NB - Rogers Road	B	A	C	A			B	A
Overall LOS / Delay in sec/veh	B(14.5)	A(6.9)	B(17.4)	A(7.0)			C(20.6)	A(7.0)
Route 5 / Amsdell Road								
EB - Route 5	A	A	A	A			A	A
WB - Route 5	A	A	B	A	NA	NA	B	A
NB - Amsdell Road	B	A	B	A			B	A
Overall LOS / Delay in sec/veh	A(9.2)	A(6.4)	A(9.3)	A(6.4)			A(9.3)	A(6.4)

There is no column for existing conditions because the background conditions are considered the base conditions for comparison due to the existing construction activities, as explained in the traffic study.

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FIVE
125 MAIN STREET
BUFFALO, NEW YORK 14203
www.dot.state.ny.us

ALAN E. TAYLOR, P.E.
REGIONAL DIRECTOR

THOMAS J. MADISON, JR.
COMMISSIONER

September 20, 2006

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

RE: SEQR/SITE PLAN REVIEW
Wal-Mart Supercenter Briarwood Plaza
Southwestern Boulevard
Town of Hamburg

Dear Mr. Reilly:

This is in response to your request for a hard copy version of our comments that were previously transmitted to you by e-mail on August 23, 2006.

We reviewed the Traffic Impact Study for the subject project and have the following comments:

- The Department concurs with the study's recommendation to install a 3-color traffic signal at the intersection of the easterly site driveway and Southwestern Boulevard, based solely on Warrant #1. Warrants 2 and 9 combine not only volumes but accident history and/or delays, in determining whether a traffic signal is warranted. Warrants 2 and 9 can not be applied to projected traffic, as accidents and/or actual delays must be used to determine whether the traffic signal is warranted. In determining whether a traffic signal is warranted at a particular location, Warrants 10 and 11 are not typically used for this type of development. Warrants 10 and 11 are more appropriately used for manufacturing plants or industrial complexes, where large volumes of traffic are released at one time.

- Based on the Highway Design Manual, the storage length for the eastbound left turn lane into the easterly (signalized) driveway should be 200', not 350'.

- The Department's preference is to keep the two-way left turn lane (TWLTL) west of the westerly driveway striped as a TWLTL. We do not want it re-striped as a left turn lane at this time.

- The methodology used to determine the background traffic in and around the project site, which has been affected by the Department's capital project (PIN 5111.82) is acceptable. We also concur that analyzing the existing traffic signal operations and accident history would not be very pertinent, due to the reconstruction project.

- We agree with the study's recommendation to construct a right turn lane from westbound Southwestern Boulevard into the easterly site driveway.

- The Department agrees with the study's recommendation to construct a WB right turn lane from Southwestern into the westerly site driveway and the construction of a SB left turn lane from Rogers into the site driveway on Rogers, based on the redevelopment of the Benderson portion of the plaza.

- A NYSDOT Highway Work Permit will be required for any work 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.

Very truly yours,

Edward S Rutkowski

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

ESR/lls

Town of Hamburg
Planning Board Meeting
October 18, 2006

The Town of Hamburg Planning Board will meet on Wednesday, October 18th, 2006 at 7:30 p.m. in Room 7B of Hamburg Town Hall. The following items will be discussed and some matters may be approved:

1. Public Hearing - 7:30 p.m. Burke Business Park/Tractor Supply 2 lot sub. Southwestern Blvd.
2. Public Hearing - 7:45 p.m. Hollins 2 lot subdivision Abbott & Richmond
3. Public Hearing - 8:00 p.m. John Bosse 2 lot Subdivision - Bayview Road.
4. First Niagara Bank - access & approval
5. Lowe's rezoning - Southwestern Blvd.
6. Arthur Court Apartments - South Park Avenue
7. Stone Bridge Cluster Development - Newton & McKinley
8. Wal-Mart & Brierwood Plaza - Southwestern Blvd.

Gerard Koenig, Chairman
Paul Eustace, Secretary
Planning Board

Dated: 10-4-06