

Town of Hamburg  
Planning Board Meeting  
October 18, 2023 Minutes

The Town of Hamburg Planning Board met for a Work Session at 6:30 PM, followed by a Regular Meeting at 7:00 PM on Wednesday, October 18, 2023 in Room 7B of Hamburg Town Hall. Those attending included Chairman William Clark, Vice-Chairwoman Kaitlin McCormick, Dennis Chapman, Margaux Valenti, Cindy Gronachan, Daniel Szewc and Kaitlin Chmura.

Others in attendance included Town Planners Joshua Rodgers and Annalyse Samuel, Planning Board Attorney Jennifer Puglisi and Town Engineer Camie Jarrell.

### **WORK SESSION**

#### **William Heussler – Requesting rezoning of a 3.82-acre lot at 5489 Southwestern Boulevard that is zoned R-4 (General Residence, Mobile Home Court District) in the rear and C-2 (General Commercial District) in the front of the property to C-2**

Mr. William Heussler, realtor, appeared on behalf of the request along with the property owner, Jacquie Dowdall. Mr. Heussler stated that the Code Review Committee indicated that R-4 zoning is quite restrictive (mobile home parks) and there is a mobile home park adjacent to the rear of this property. He noted that the other surrounding properties are zoned C-2.

Mr. Heussler stated that if the owner's property is entirely zoned C-2, it would increase the number and kinds of uses that would be allowed on the site and would probably double the property's value.

In response to a question from Mr. Rodgers, Mr. Heussler stated that there is no proposed use for the lot and if the rezoning is granted it will be listed for sale.

In response to a question from Ms. Chmura, Mr. Heussler stated that the parcels adjacent to the rear of this site are zoned R-1 and are very deep properties.

Chairman Clark stated that if the property is rezoned, the Planning Board will probably want to see a conservation easement on the rear of the site to protect the adjacent R-1 properties.

Chairman Clark asked Mr. Rodgers to prepare a memo to be voted on at the Planning Board's November 15, 2023 meeting.

Chairman Clark made a motion, seconded by Mr. Chapman, to table this request to the Planning Board's November 15, 2023 meeting. Carried.

#### **Lucia's on the Lake – Requesting Site Plan Approval of a revised plan to construct a 2,400 sq.ft. addition at 4151 Lakeshore Road**

Mr. Mike Lukaszewski from Bammel Architects, representing the applicant, stated that a smaller addition was approved at this location last year and now the applicant is proposing a slightly larger addition instead that would involve a larger kitchen and prep area for the restaurant.

In response to a question from Chairman Clark, Mr. Lukaszewski stated that three (3) more parking spaces would be lost with this addition than would have been lost with the smaller addition approved last year (five (5) spaces would have been lost with the smaller addition and eight (8) would be lost with the approval of this larger addition).

In response to a question from Ms. McCormick, Mr. Lukaszewski stated that the addition would be one story.

It was determined that this proposal would add more restaurant seating than what currently exists, but it would not add any more restaurant seating than the previously approved smaller addition.

Ms. McCormick noted that the Planning Board approved an addition at this location in 2021. She stated that the current requested addition is similar in size to that addition than to the smaller addition approved last year.

Ms. Gronachan stated that Board members need clarification on the different additions that have been previously approved at this location.

In response to a question from Mr. Chapman, Mr. Lukaszewski confirmed that the screened dumpsters would be relocated from the parking lot to along the property line shared with a residential property.

Mr. Chapman asked Mr. Rodgers to review how far a dumpster has to be located from a residential property.

Board members discussed whether the amount of proposed parking would be sufficient.

In response to a question from Ms. Gronachan, Mr. Lukaszewski stated that he does not know if there is any off site parking additional available for the restaurant patrons but he will get that answer for the Board.

It was determined that Board members would like to know what the total seating capacity of the restaurant would be.

Chairman Clark made a motion, seconded by Ms. Gronachan, to table this project to the Planning Board's November 15, 2023 meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

## **REGULAR MEETING**

### **Public Hearing – 7:00 P.M., Perennial Properties, LLC – Requesting Site Plan Approval of a proposal to construct a two-story, 110 seat restaurant at 6666 Gowanda State Road**

Mr. Chris Wood from Carmina Wood Design, project engineer, stated that this site is zoned C-1 and the proposal is to redevelopment the site including an addition to the existing building. He noted that the Board of Zoning Appeals recently granted the necessary variances for the proximity of the building to the residential district and the setback of the parking from the side street. He noted that lighting concerns were raised at the Board of Zoning Appeals meeting and he feels that those issues were addressed and drainage concerns were also raised that will be addressed when the engineering drawings are completed and Ms. Jarrell reviews them.

Mr. Wood stated that there would be 40 parking spaces on the site and a letter was submitted to the Planning Board justifying that number of spaces.

Ms. Gronachan read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will conduct a public hearing on a proposal by Perennial Properties LLC to construct a two-story 110-seat restaurant at 6666 Gowanda State Road. The public hearing will be held on October 18, 2023 at 7:00 PM in Room 7B of Hamburg Town Hall.”

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

Chairman Clark declared the public hearing closed.

Chairman Clark made the following motion, seconded by Ms. Chmura:

“Whereas, the Town of Hamburg Planning Department received a Site Plan Application from Perennial Properties 716 LLC, Inc. to construct a two-story, 110 seat restaurant at 6666 Gowanda State Road; and

Whereas, the Town of Hamburg Planning Board held the required public hearing; and

Whereas, the Town of Hamburg Planning Board has reviewed the project against the Town Code, has received input from Town departments and other agencies, has received additional information/reports from the applicant, and provided input to the applicant that has resulted in amended plans addressing The Planning Board’s concerns; and

Whereas, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law, the Town of Hamburg Planning Board has determined that the project is a Type 2 action and no further SEQR analysis is required; and

Whereas, the project required variances and those variances have been granted by the Hamburg Zoning Board of Appeals.

Now, Therefore Be It Resolved, the Town of Hamburg Planning Board issues conditional site plan approval for this project with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated 10/13/2023.
2. The final landscape plan will be approved by the Planning Department.
3. Lighting shall be shielded and dark sky compliant as shown on the plans.
4. Sidewalks are waived as they already exist.”

Engineering Department comments have been filed with the Planning Department.

**Stonefield Engineering – Requesting Site Plan Approval and Preliminary Plat Approval of a proposal to construct a 4,000 sq-ft restaurant with a drive-thru located at 3560 McKinley Parkway**

Chairman Clark stated that the applicant asked that this project be tabled. He noted that it would be tabled to the Planning Board’s December 6, 2023 meeting.

Engineering Department comments have been filed with the Planning Department.

**West Herr Automotive – Requesting Site Plan and Special Use Permit Approval of a proposal to demolish an existing single-family home and to construct a vehicle towing lot on a .5 acre lot at 3600 Sowles Road**

Mr. Andy Gow from Nussbaumer & Clarke, representing the applicant, stated that the plans have been updated to meet some of the objectives of the Planning Board and the neighbors regarding drainage, lighting, screening and fencing.

In response to a question from Ms. McCormick, Mr. Gow stated that the light standards were lowered on the Site Plan from 20 feet to 15 feet and all are dark-sky compliant. He noted that there would be no light spillage off the property. He stated that the applicant needs the 15-foot high lights for security.

In response to another question from Ms. McCormick, Mr. Gow stated that the lights would probably not be motion sensor activated, but he can ask the applicant for clarification.

Ms. Gronachan advised Ms. McCormick that she (Ms. McCormick) asked that question about motion sensor activated lights the last time this project was reviewed by the Planning Board and the applicant indicated that that would not be possible because of security concerns.

Mr. Rodgers stated for the record that Mr. Sandy Carnevale, resident of Oregon Road, indicated that he spoke to Mr. Jim Mulka from West Herr and had some concerns about the conditions associated with an approval of this project. Mr. Rodgers noted that it was agreed that Mr. Carnevale will take a look at the conditions and the Site Plan. He stated that it was determined that West Herr will come to some sort of agreement with the adjoining property owner regarding cleaning up the nearby ditch that is clogged up with trees and debris.

It was determined that Mr. Carnevale's concerns are drainage related.

Chairman Clark made the following motion regarding SEQR, seconded by Mr. Szewc:

**"Whereas**, the Town of Hamburg received a special use permit and site plan application from West Herr to construct a towing lot at 3600 Sowles Road; and

**Whereas**, the Hamburg Planning Board held the required public hearing and received comments from the public; and

**Whereas**, the Hamburg Planning Board, in accordance with the New York State Environmental Quality Review Act (SEQRA), has done a thorough review of the project and its potential impacts, and

**Whereas**, the Hamburg Planning Board, in accordance with SEQRA, has determined that the proposed special use permit, site plan approval and construction of the towing lot will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

**Now, Therefore, Be It Resolved**, that the Town of Hamburg Planning Board hereby determines that the proposed special use permit, site plan approval and construction of the towing lot is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued and that the Planning Board Chairman is authorized to sign the EAF, which will act as the Negative Declaration."

Carried.

Chairman Clark made the following motion regarding the requested Special Use Permit, sec-

ended by Ms. Gronachan:

**“Whereas**, the Town of Hamburg has reviewed the special use permit application from West Herr for the construction of a towing lot at 3600 Sowles Road based on a determination by the Town Code Enforcement Officer; and

**Whereas**, the Hamburg Planning Board held the required public hearing and received comments from the public; and

**Whereas**, the Hamburg Planning Board in reviewing the proposed project (special use permit), has determined in accordance with Section 280-312 and 280-331 (Towing and recovery impoundment areas) that:

1. The project will be in harmony with the purposes and intent of Section 280-312 (Special Use Permits).
2. The project will not create a hazard to health, safety and general welfare.
3. The project will not alter the essential character of the neighborhood, nor will it be detrimental to its residents.
4. The project will not otherwise be detrimental to the public convenience and welfare.

For towing and recovery impoundment areas:

The following uses are permitted as a special use, provided that they are conducted within a completely enclosed building or within an area enclosed by a solid wall or fence at least eight feet in height:

- A. Towing and recovery impoundment areas, but not including auto wrecking or the storage of motor vehicles not eligible for New York State motor vehicle inspection stickers.
  - i. The Town Building Inspector/Code Enforcement Officer shall make periodic inspections of each operating facility to ensure the proper structural maintenance of all structures and the adequate cleanup of litter.
  - ii. The size, location and materials used in the construction of off-street parking facilities shall be determined by the Planning Board based on the intensity of use of the proposed development.

**Now, Therefore, Be It Resolved**, that the Town of Hamburg Planning Board hereby determines that the proposed special use permit is in accordance with the requirements of the Town of Hamburg and therefore a special use permit is hereby issued with the following conditions:

1. It is based on the Site Plan to be approved by the Planning Board, with any conditions attached to that Plan.
2. The applicant has stated that the operating hours will be from 8 am to 6 pm.
3. Lighting will be as shown on the approved site plan, and internal and building lighting will be shielded, dark sky compliant and not neon or flashing color lights. The light fixtures will be no higher than 15'. The brightness of the lights shall be the dimmest possible brightness to provide a minimum level of security.
4. Landscaping and screening shall be provided as shown on the drawings and the final plan must be approved by the Planning Department.”

Carried.

Chairman Clark made the following motion regarding Site Plan Approval, seconded by Ms. Chmura:

“The Town of Hamburg Planning Board hereby grants Site Plan Approval for the West Herr towing lot project to be located at 3600 Sowles Road with the following conditions:

1. Approval is contingent upon the Engineering Department comment letter dated 10/13/2023.
2. The landscaping plan shall be reviewed and approved by the Planning Department.
3. Sidewalks exist along Southwestern Boulevard. Sidewalks will be required along Sowles Road.
4. Lighting shall be dark sky complaint and light fixtures shall be no higher than 15’.
5. West Herr will clean up the ditch along the north side of the property.
6. West Herr shall show the Site Plan to the adjoining property owner Sandy Carnevale prior to engineering approval.”

Carried.

Engineering Department comments have been filed with the Planning Department.

**Hamburg Retail, LLC - Requesting Site Plan Approval of a proposal to construct a 9-unit multi-family project at 4100 St. Francis Drive**

Mr. Chris Wood from Carmina Wood Design, project engineer, stated that this project would be reviewed by the Waterfront Revitalization Committee at its October 19, 2023 meeting. He further noted that subsequent to that meeting, the applicant will return to the Planning Board to complete the SEQR process and then will request a use variance from the Board of Zoning Appeals. He stated that if the applicant is successful in obtaining the necessary use variance, the project will then return to the Planning Board for Site Plan Review.

In response to questions from Ms. Gronachan and Ms. McCormick, Mr. Wood stated that he will make sure the Board has information on the Phase 1 and Phase 2 performed on the old gas station portion of the site and he will check with Attorney Sean Hopkins regarding the New York State Department of Transportation’s (DOT) determination on the proposed curb cut onto Lakeshore Road.

Ms. McCormick stated that because this project is located in the Coastal Zone, the Planning Board must make sure the project is consistent with the 37 enforceable policies under the Coastal Zone Management Act and the Local Waterfront Revitalization Program (LWRP).

Chairman Clark stated that Wendy Salvati has indicated that the Waterfront Revitalization Committee is responsible for reviewing consistency with the LWRP.

Ms. McCormick stated that in that case the Planning Board will have to have the documentation from the Waterfront Revitalization Committee that this project is consistent with the LWRP as part of the SEQR documentation.

In response to a question from Ms. Gronachan, Mr. Wood stated that the applicant plans to subdivide this parcel and that an emergency gate is proposed between where the new residential building would be and the existing garage. He further stated that if the DOT does not allow

access to Lakeshore Road, the gate would not be installed and the layout may have to be re-configured.

Board members discussed the fact that the Town is currently reviewing the current LWRP for updating because it was written in 2012. Board members also discussed the memo received regarding this project from the Conservation Advisory Board (CAB) indicating that it is not consistent with the current LWRP and whether the CAB should be asked to revisit the project in light of the fact that the LWRP will probably be updated.

Ms. Chmura stated that the CAB is indicating that the project is inconsistent with a document from 2012 when there are currently efforts to update the document.

It was determined that the draft of the new LWRP has not yet been made public.

Chairman Clark made a motion, seconded by Ms. McCormick, to table this project to the Planning Board's November 15, 2023 meeting. Carried.

Engineering Department comments have been filed with the Planning Department.

### **Camp Road Interchange Recommendation and Report Discussion**

Mr. Rodgers stated that based on discussions at the Planning Board's September 20, 2023 meeting, a map had been drafted with hatching showing the properties to be included in the proposed Camp Road Interchange (CRI) zoning. He noted that the new parcels added to the CRI include those on Commerce Parkway.

Mr. Rodgers asked Board members if there are any additional parcels they would like included in the new CRI zoning or any additional questions or comments on the new zoning classification. He stated that the Planning Department is in the process of finalizing the draft of the CRI report and recommendation.

Ms. Valenti stated that she is concerned that the new code indicates that the Town should create an interconnected trail on the CRI parcels but the list of permitted uses are so varied that a trail does not really fit.

Ms. Valenti stated that Mr. Reilly sent her a copy of the Gateway documents that suggest that on the Thruway parcel there was a vision of a campus, so in that context a trail makes sense but requiring a trail on all the myriad of uses allowed does not make sense to her.

Mr. Rodgers responded that input was received from many committees and members when the CRI zoning was put together. He noted that that is the way the new code was written and it is also in E-Code, so that is the way it will be presented.

Board members discussed the intermodal trail that is referenced in the new CRI code and what it might consist of.

Chairman Clark stated that when projects are reviewed by the Planning Board, part of its job will be to arrange the Site Plan to incorporate a trail that works.

Board members discussed the permitted uses to be included in the CRI zoning.

Board members discussed whether the property located at 5187 Camp Road should be included in the CRI zoning district. Board members agreed that that parcel should not be included in the CRI zoning district.

Board members also discussed whether the 5201 and 5203 Camp Road properties should be included in the CRI zoning district. Board members agreed that both properties should not be included because they contain non-conforming uses.

### **AL Asphalt – Decision on Proposed FEIS**

Attorney Kim Nasson from Philips Lytle, Special Counsel on this matter, stated that the Planning Board members had in their possession the following documents:

- The most recent version of the Final Environmental Impact Statement (FEIS)
- A resolution to act on the FEIS
- A Notice of Completion
- A document submitted by the applicant's attorney

Attorney Nasson stated that if the Planning Board accepts the FEIS, the regulations require that at least ten (10) calendar days pass between the filing of the FEIS and any determination the Planning Board makes (Findings Statement), as well as the determination on the project overall.

Attorney Nasson stated that if the Planning Board accepts the FEIS, it will have to be provided to the Involved Agencies, Department of Environment Conservation (DEC) and the Environmental Notice Bulletin. She noted that the FEIS will also be posted on the Town's website so that the public can access the document.

Attorney Nasson stated that the letter received by the Planning Board from the applicant's counsel reiterates that the applicant's perspective is that the Draft EIS was complete and adequate as is. She noted that there are a number of attachments to the letter, all but one (1) of which are documents the Planning Board has already seen (correspondence between the Planning Board and the applicant, as well as all of the public comments or agency comments that were sent to the applicant). She stated that the one (1) document the Planning Board has not seen is a report by the traffic engineers for the project responding to some of the comments that the Planning Board included in the GHD expert report that concluded that the traffic analysis could not be verified.

Attorney Nasson stated that the letter submitted by the applicant's counsel does contain some comment responses, but there are also a number of responses that indicate that the applicant does not have to and will not provide that additional information because it is not required.

Attorney Nasson recommended that the Planning Board add this correspondence as an additional appendix to the FEIS so that it is captured on the record and it can be addressed as necessary in the Findings Statement.

Ms. McCormick stated that it makes sense to include the applicant's submission in the FEIS so that it is available to the public and the Involved Agencies.

Ms. McCormick stated that there is nothing in the letter submitted by the applicant's counsel that would substantively change the Planning Board's findings in the FEIS.

Attorney Nasson stated that with respect to the proposed mitigation that the DEC included in its letter, the applicant's counsel has indicated that the DEC's proposed mitigation is premature and speculative.



Chairman Clark made a motion, seconded by Ms. Gronachan, that the letter from the applicant's attorney dated October 18, 2023 be added to the draft FEIS that the Planning Board has been working on as Appendix 13.

As the vote on the motion was six (6) ayes and one (1) abstention (Ms. Valenti), the motion carried.

Chairman Clark made the following motion, seconded by Ms. McCormick:

"Whereas, the Town of Hamburg Planning Board ("Planning Board") received a Site Plan application from A L Asphalt Corporation (hereinafter referred to as "A L Asphalt" or "Applicant") in June 2019 for construction of a hot mix asphalt plant (hereinafter referred to "Project" or "Plant") and related accessory uses at 5690 Camp Road in the Town of Hamburg (hereinafter referred to as "Town"); and

Whereas, in compliance with Article 8 of the New York State Environmental Conservation Law and its implementing regulations, commonly known as the State Environmental Quality Review Act or SEQR, the Planning Board classified the Project as an Unlisted Action, properly established itself as Lead Agency and conducted a Coordinated Review of the Project's potential for significant adverse environmental impacts; and

Whereas, the Planning Board determined that the proposed Plant may include the potential for at least one (1) significant adverse environmental impact and therefore required the preparation of an Environmental Impact Statement; and

Whereas, the Planning Board received a Draft Environmental Impact Statement prepared by the Applicant on August 5, 2022 (initial DEIS) and the Planning Board, with assistance from its consultants and other Town departments, determined in accordance with Section 617.9 of the SEQR regulations that the DEIS was incomplete and not ready for commencing public review and by resolution dated September 21, 2022 the Planning Board requested the Applicant make certain revisions to the initial DEIS and attached a copy of the Scoping Document checklist and a document entitled "Inadequacies, deficiencies of the A L Asphalt Plant DEIS" to assist the applicant with the completion of a revised DEIS (the listed deficiencies); and

Whereas, the Planning Board received a revised Draft Environmental Impact Statement prepared by the Applicant and submitted on April 5, 2023, which the Planning Board again reviewed with assistance from its consultants and other Town departments, and determined in accordance with Section 617.9 of the SEQR regulations to accept the DEIS for public review subject to the listed deficiencies consistent with the resolution adopted by the Planning Board at its May 3, 2023 meeting and with the Notice of Completion issued by the Planning Board dated May 4, 2023 ("Notice of Completion"); and

Whereas, the Notice of Completion set a public comment period that would close on July 28, 2023 ("Public comment period") and in accordance with 6NYCRR 617.12 (c) by a notice of hearing published in the Hamburg Sun on May 26, 2023, the Planning Board conducted two (2) SEQR hearings during the public comment period on June 14, 2023 and July 12, 2023 and received more than 150 comments on the DEIS ("Public Comments") and the listed deficiencies; and

Whereas, on the close of the public comment period on July 28, 2023 the Board wrote the applicant a letter dated August 9, 2023 to provide all public comments and request the applicant's summaries of and responses to all substantive public comments and to formally provide the Board's notice to the applicant that as permitted by 6NYCRR 617.9 (A)(5)(ii) the Board would require more than the 45 days typically allotted via SEQR to prepare the Final Environmental

Impact Statement in light of the many deficiencies as described in the listed deficiencies and as raised in the public comments; and

Whereas, the Planning Board, with minimum possible delay and with assistance from its consultants and other Town departments, prepared the FEIS for the project in accordance with Section 617.9 of the SEQR regulations and has determined that the FEIS dated October 18, 2023 is complete because it impartially, accurately and adequately analyzes the full range of the project's potential significant adverse environmental impacts and how those impacts could be avoided or minimized.

Now, Therefore, Be It Resolved that the Planning Board has determined in accordance with Section 617.9 of the SEQR regulations to accept the FEIS dated October 18, 2023 as complete; and

Be It Further Resolved that the Planning Board directs the Planning Board staff to file the attached Notice of Completion of the FEIS with the Department of Environmental Conservation Environmental Notice Bulletin, 625 Broadway, Albany, New York 12233-1750 and provide the same to Supervisor Hoak at Town Hall, other Interested and Involved Agencies, A L Asphalt as the Applicant and to any person who has requested a copy of the FEIS and to otherwise make the FEIS available to the public consistent with 6NYCRR 617.12 (B) including at the Planning Board's website and by providing a physical copy of the FEIS for view at Hamburg Town Hall at 6100 South Park Avenue, Hamburg New York 14075."

As the vote on the motion was six (6) ayes and one (1) abstention (Ms. Valenti), the motion carried.

Attorney Nasson stated that in the beginning of the FEIS after the Table of Contents is an Executive Summary.

Chairman Clark stated that this project will be placed on the Planning Board's November 1, 2023 meeting agenda.

### **State Environmental Quality Review Act**

#### **Notice of Completion of *Final* Environmental Impact Statement**

**Date of Notice: October 20, 2023**

**Lead Agency: Town of Hamburg Planning Board ("Planning Board")**

**6122 South Park Avenue**

**Hamburg, New York 14075**

**Lead Agency Contact Person: Mr. William Clark, Planning Board Chairman**

**Project Name: Camp Road Hot Mix Asphalt Plant ("Project" or "Action")**

**Project Sponsor: A.L. Asphalt Corporation ("Project Sponsor" or "Applicant")**

**SEQR Classification: Unlisted**

**Location of Action: 5690 Camp Road, Hamburg, NY 14075 ("Site")**

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

The Project proposes the construction and operation of a counter flow drum mix hot mix asphalt plant on the Site in the Town. The Planning Board, as Lead Agency, determined that the proposed Project may have a significant effect on the environment including the potential for adverse impacts to the surrounding area by way of noise, odors and pollution, im-

pacts on water, air, plants & animals, transportation, energy use, and the community character and aesthetic quality of the existing area.

As a result, a Draft Environmental Impact Statement (“**Draft EIS**”) was prepared by the Project Sponsor and was accepted by the Planning Board, as Lead Agency, for public review and comment, subject to the “Listed Deficiencies” described more completely in the Notice of Completion of the Draft EIS, dated May 4, 2023. The Notice of Completion for the Draft EIS established a public comment period to accept comments on the Draft EIS until July 28, 2023. By Notice of Hearings published in The Hamburg Sun on May 26, 2023, the Planning Board conducted two SEQRA Hearings during the Public Comment Period on June 14, 2023 and July 12, 2023, and received more than 150 comments on the Draft EIS and the Listed Deficiencies; and

Upon the close of the Public Comment Period, the Planning Board acted with minimum possible delay and with assistance from its consultants and other Town departments, prepared the Final Environmental Impact Statement (“**FEIS**”) for the Project in accordance with Section 617.9 of the SEQRA regulations.

A copy of the FEIS may be obtained at <https://www.townofhamburgny.gov/324/AL-Asphalt-Proposed-Hot-Mix-Asphalt-Plan> or hard copies are on file with Joshua Rogers or Annalyse Paulsen at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY 14075, 716-649-2023.

Upon this issuance of the FEIS, the Project Sponsor, the public and Interested and Involved agencies will be afforded the required reasonable time period, of not less than 10 calendar days, in which to consider the FEIS. After this reasonable period of time has passed, the Planning Board as Lead Agency will issue a Findings Statement that will consider the relevant environmental impacts, facts and analysis contained in this FEIS, weigh and balance relevant environmental impacts with social, economic and other essential considerations; provide a rationale for the Lead Agency’s decision; and certify that the requirements of SEQRA have been met.

Contact Joshua Rogers or Annalyse Paulsen at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY 14075, 716-649-2023 for additional information.

Doc #11464460

## **OTHER BUSINESS**

Ms. McCormick made a motion, seconded by Mr. Chapman, to approve the minutes of September 6, 2023. Carried.

Ms. McCormick made a motion, seconded by Mr. Szewc, to approve the minutes of October 4, 2023. Carried.

Mr. Szewc made a motion, seconded by Ms. Valenti, to adjourn the meeting. Carried.

The meeting was adjourned at 8:15 PM.

Respectfully submitted,  
Cindy Gronachan, Secretary

Date: October 30, 2023