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## Environmental Quality Review GENCY Findings Statement Findings to Approve

**Date:** May 11, 2009

Pursuant to 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]), The Town of Hamburg Town Board, as SEQR Lead Agency, issues the following findings:

**Name of Action:** Hamburg Crossings Retail Center

**Applicant:** Benderson Development Company, LLC  
570 Delaware Avenue  
Buffalo, NY 14202

**SEQR Status:** Type 1 Action, Positive Declaration

**Description of Action:** The proposed action involves the development of a 79.93 acre site, formally of Leisure Land, a truck stop, and a Days Inn, into a retail/ restaurant/ hotel center called Hamburg Crossings. The proposed development consists of the rezoning of 9.11 acres of land zoned Local Retail Business District, C-1, and 10.85 acres of land zoned Light Industrial District, M-2, to General Commercial District, C-2. Approximately 48.0 acres will remain as C-2 zoning and approximately 12.0 acres will remain zoned as Residential- Agriculture District, R-A, that, in addition to other lands, will total 17.4 acres of land to be dedicated to the Town of Hamburg as a conservation easement along the eastern, southern, and western boundary of the property. Development of the site is proposed in two phases. Phase 1 will consist of 450,000+/- square feet of development. Phase 2 will consist of an additional 202,813+/- square feet of development (for a total of 652,813+/- square feet) and a 115 room hotel. The development proposes to utilize two existing access points onto Camp Road.

**Location:** Southwest side of Camp Road, northwest of I-90, New York State Thruway, near the interchange ramp with the New York State Thruway (I-90), Town of Hamburg, Erie County, New York.

**Date FEIS Accepted as Complete:** March 9, 2009

**Contact:** Andrew C. Reilly, P.E., AICP  
Hamburg Town Planning Consultant  
56100 South Park Avenue  
Hamburg, New York 14075  
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### Support the Decision:

Environmental, economic, and social impacts, facts, and Findings of Environmental Impacts Statement (DEIS) and Final Environmental Impact Statement (FEIS) for the Hamburg Crossings Retail Center. The Findings weigh and balance relevant environmental impacts with social, economic, and other considerations, and provide a rationale for the Town of Hamburg Town Board's decision regarding environmental impacts associated with the proposed action. These Findings also certify that the requirements of 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]) have been met. They further certify that the action chosen is the alternative, consistent with social, economic, and other essential considerations from among the reasonable alternatives available, which avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions, those mitigation measures that were identified as practicable.

Pursuant to 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]), the applicant, Benderson Development Company, LLC, submitted an application for site plan approval to the Town of Hamburg. The Town of Hamburg Town Board determined that the action was a Type I Action and sought and received concurrence from other Involved and Interested Agencies to be the Lead Agency in the consideration of this proposed action. The Town Board determined that the proposed action may have a significant impact on the environment and issued a Positive Declaration on July 16, 2007, requiring the preparation of a DEIS. A public scoping session regarding the project was held on August 1, 2007. The applicant submitted a DEIS to the Town of Hamburg on January 2, 2008. The DEIS was deemed to be complete and was accepted by the Town Board on March 10, 2008 for review by all Involved and Interested Agencies and the public. The DEIS was made available to the public at the Town Clerk's office and on the Town's website. A public hearing on the DEIS was held April 14, 2008 at the Hamburg Town Hall. In the creation of the FEIS, the Town Board reviewed and considered all agency and public comments and accepted the FEIS as complete on March 9, 2009. The FEIS was made available to the public at the Town Clerk's office and posted on the Town's website. The FEIS addresses specific substantive comments raised during the public comment period and discusses changes to the project that were made to ensure that the project mitigates potential negative impacts to the maximum extent practicable.

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Bus has been relocated to another site and the former Days Inn, Leisure Land Bowling Alley, and truck stop on the site have been demolished. Approximately 20 acres of the site consists of blacktop or building area with the remainder of the site vacant and wooded, including about 17 acres of wooded area along the southwest property line under a conservation easement.

A Phase 1 Environmental Site Assessment (ESA) performed for the site identified four operational and three closed underground storage tanks. The operational tanks include two 10,000 gallon diesel fuel tanks and two 8,000 gallon unleaded fuel tanks. The three closed tanks include two 10,000 gallon diesel fuel tanks and an 8,000 gallon unleaded fuel tank. In addition, there is a 10,000 gallon aboveground diesel storage tank located within the Fisher Bus building. The NYSDEC has recorded several spill and leaking underground storage tank incidents since 1988, including one spill in 1994 of 7,500 gallons of gasoline. The NYSDEC has given this incident an **inactive status** meaning that there is residual contamination of the site. The existing buildings on the site likely contain asbestos that will need to be removed appropriately. A gas well was identified on the site, but has not produced any natural gas in the past seven years. The applicant has contacted the NYSDEC Regional Mineral Resources Unit to determine if the well has been properly plugged. If the well has been plugged, it poses no environmental significance, if it has not been properly plugged, the nature of the well will be classified.

A Phase 2 Environmental Site Assessment did not identify any evidence of contamination or elevated levels of Volatile Organic Compounds in any of the test borings. The Assessment also concluded that due to the nature of the soil at the site, as well as groundwater not being present within any of the soil boring location, groundwater contamination at the site does not appear to be a concern. Surface water present in the swale presented no indication of contamination. No visual evidence of subsoil contamination or elevated levels of Volatile Organic Compounds were identified in any of the test borings. Based on the Phase II Environmental Site Assessment, no further subsurface investigations or remedial activities are necessary.

There are no agricultural resources located on or adjacent to the project site. In addition, there are no Critical Environmental Areas located on or adjacent to the project site.

### **Impacts**

The project may result in the following impacts on land resources:

- The proposed project will result in the demolition of all existing structures on the site.
- The proposed project involves the full build-out construction of 652,813+/- square feet of retail and restaurant uses, 115 room hotel, and other site improvements.
- The project will be developed in two phases, with approximately 450,000+/- square feet of retail proposed under Phase 1 and the additional 202,813 square feet of retail and a 115 room hotel developed under Phase 2 (for a full build-out of 652,813 square feet).
- The project will result in minor, but long-term impacts to the topography as the site will be graded as necessary.
- The project will result in the removal of 40.7 acres of wooded area.
- The project will result in the physical disturbance of soils, and may involve the removal of existing topsoil.
- A Phase 1 Environmental Site Assessment (ESA) performed for the site identified four operational and three closed underground storage tanks.

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g mitigation measures for the project:

osing to dedicate a 17.4 acre conservation easement to the e conservation easement consists of a preserved 100-150 foot wide buffer along the southern and western boundary to screen the project from adjacent residences.

- The conservation easement will include a preserved vegetative and wetland area in the triangular southwest portion of the site.
- The conservation easement will also include a 25 foot wide vegetative buffer along the NYS Thruway.
- A Sedimentation and Erosion Control Plan will be developed for the site, and likely include the use of silt fences and infiltration basins.
- Based on an investigation of the onsite gas well and review of available records, natural gas well #31029036240000 located at 5220 Camp Road, Hamburg, New York, is no longer present. New York State Department of Environmental Conservation (NYSDEC) shows the well's status as inactive. Also, contact made with Charles Thropp of NYSDEC Oil and Gas Division, which is the same as the Division of Mineral Resources, revealed NYSDEC has no records for the well. A visual inspection does not reveal the presence of a well. The gas well located on the property will be properly plugged, if not already done so, as determined by NYSDEC.
- The applicant anticipates balancing the amount of topsoil excavated with fill requirements of the site to minimize the amount of soil taken off the site and to minimize the amount of fill brought in from offsite.
- Topsoil removed will be stockpiled and reused for landscaping areas onsite.
- All underground storage tanks have already been removed from the site, in strict accordance with NYSDEC regulations, and with NYSDEC oversight.

### **Findings**

The Town Board finds that the mitigation measures proposed will minimize the potential impacts of the project on land resources to the maximum extent practicable.

### **B. Water Resources**

Berrick's Creek runs through the southwest portion of the site, and eventually drains to Lake Erie. Groundwater was not encountered during subsurface testing of the site. A portion of the extreme southern portion of the site contains a 100-year floodplain along Berrick's Creek. An on-site wetland delineation conducted for the site identified five wetland areas totaling 7.22+- acres. Two of the wetlands are federal jurisdictional wetlands, one of 2.14+- acres near the center of the site, the other is a 1.58+- acre wetland at the southern portion of the site near Berrick's Creek. The other three wetlands are likely isolated non-jurisdictional wetlands.

The existing site drainage discharges to four separate points:

- 1.) The portion of the site that includes Fisher Bus Service, as well as a portion of the adjacent vacant site, has a stormwater collection system that discharges to the property to the northwest via a 12 inch CMP pipe.
- 2.) The stormwater runoff from the existing parking lot in front of the former hotel is collected in a series of catch basins and also discharges to the property to the northwest via a 24 inch RCP pipe that eventually drains to a 30 inch CMP pipe that also collects stormwater from the I-90 ramps.
- 3.) The majority of the vacant portion of the site sheet drains onto the existing residential properties to the west.
- 4.) A portion of the vacant land also sheet drains to Berrick's Creek.
- 5.) There is an existing 42 inch RCP stormwater pipe from Commerce Place that crosses the southern portion of the site and discharges into Berrick's Creek. This pipe will remain.

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Attenuation of the proposed 25-year storm event to the existing stormwater management system will consist of a series of catch basins and manholes that will collect the runoff generated from parking areas. A pipe network will convey stormwater to the detention basins and underground detention. Outlet control structures will control the rate of discharge to pre-development conditions. Stormwater will flow through quality treatment systems prior to outletting. The majority of the site will outlet to Berrick's Creek. The northern portion of the site will outlet to an existing 24 inch pipe.

The underground detention will consist of parallel, perforated CMP pipes backfilled with stone that will be used to temporarily store stormwater during high intensity storm events.

### **Impacts**

The project may result in the following impacts to water resources:

- The project will result in a greater impervious area that will allow less stormwater to permeate into the ground and will increase the volume and rate of stormwater runoff.
- The site is located in an area where the seasonal water table is close to the surface, thus site construction and excavation may temporarily encounter groundwater.
- The majority of the stormwater collected from the site in detention basins will be discharged to Berrick's Creek through an outlet structure designed to control discharge to the pre-development rate.
- A small portion of the stormwater from the site will discharge through an existing 24 inch storm sewer.
- The project will require 927,988 gallons of stormwater to be detained.

### **Mitigations**

The applicant will provide the following mitigation measures for the project:

- The project will include a stormwater management system consisting of detention ponds and underground storage that will attenuate the proposed 25-year storm event to the existing 10-year conditions.
- The portion of the site that discharges to Berrick's Creek will be divided into six sub-areas. Each of the sub-areas will have its own collection, detention, water quality treatment systems, and outlet control structures. Each sub-area will tie into a common pipe that will outlet to Berrick's Creek. This system will allow stormwater to be collected, temporarily stored, treated, and discharged at a rate equal to the existing runoff.
- The northern portion of the site that discharges to the existing 24 inch pipe will have its own collection, water treatment system, and outlet control structure. There will be two tie-ins to this pipe that will discharge stormwater at a rate less than pre-construction rates.
- A series of underground detention pipes will be installed and connected to the existing 24 inch pipe to alleviate any stormwater backup and potential flooding on the site. Since this pipe also drains the NYS Thruway ramps, it has the potential to exceed capacity.
- The existing 12 inch discharge from the Fisher Bus Service area will be removed.
- Washed stone to be placed around the perforated CMP underground stormwater pipes will be wrapped with geo-textile fabric to keep it separated from the surrounding soil.
- Stormwater management facilities will be in accordance with the State's Best Management Practices manual.
- Stormwater management facilities will include measures for pre- and post-treatment of stormwater to remove sediments and pollutants through the use of forebays,

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filtration basins, and long term detention basins before being

and/or individual building tenants will provide maintenance of

- The conditions of the State Pollution Discharge Elimination System (SPDES) General Permit for Construction Activities Greater than 5 Acres will be followed.
- The developer will file a Notice of Intent with the State to prepare a Stormwater Pollution Prevention Plan in accordance with permit guidelines.
- Because the stormwater detention facilities for the project are designed for phased implementation (i.e., independent stormwater basins are provided for sub-watersheds within the project area) portions of the system are functionally independent of one another. As buildings and parking areas are leased and constructed, corresponding portions of the stormwater detention system will come online.
- The project will not impact federal jurisdictional wetlands.

### **Findings**

The Town Board finds that the mitigation measures proposed will minimize the potential impacts of the project on water resources to the maximum extent practicable.

C.

### **Energy/ Utilities**

Public water to the site is supplied by the Erie County Water Authority through an existing 12 inch watermain along Camp Road and an existing 8 inch watermain along Commerce Place. Water demands of the project can be met by the capacity of the public water system without mitigation.

Sanitary sewer service is provided by the Erie County Sewer District No. 3. There is an existing 30 inch sanitary sewer, within a 20 foot easement, located along the west property line that enters the site adjacent to the New York State Thruway and flows north. There is an existing 8 inch PVC sanitary sewer, within a 20 foot easement, along Commerce Place that intersects with the 30 inch sewer. There is also an existing 8 inch VTP sewer line along Camp Road. The Erie County Department of Environment and Planning, Division of Sewerage Management and New York State Department of Environmental Conservation, Division of Water have indicated that no significant sewer line deficiencies have been identified and that sanitary sewer demands of the project can be met.

Electricity service to the site is provided by both New York State Electric and Gas (NYSEG) and National Grid. Natural gas is provided by National Fuel.

### **Impacts**

The project may result in the following impacts to energy/ utilities:

- Minor increases in energy consumption resulting from the project.
- Minor increases in the demand of fossil fuels and petroleum products during construction of the project.
- Peak water demands of the project require a flow of 218 gallons per minute (gpm).
- Fire suppression demand will require an additional 1,490 gpm.
- The daily sanitary sewage discharge from the site is expected to be 79,082 gallons.

### **Mitigations**

The applicant will provide the following mitigation measures:

- The project will incorporate energy efficiency/green practices such as, sustainable architectural design, utilizing renewable building materials and methods for construction; placement of landscape features to reduce and minimize heat islands; implementation of sedimentation/erosion control practices to protect soil and water resources; utilization of roof membranes designed to limit heat gain; utilization of energy efficient artificial lighting systems to minimize electricity loads and power

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landfills; etc.

### **Findings**

The Town Board finds that the mitigation measures proposed will minimize the potential impacts of the project on energy and utilities to the maximum extent practicable.

**D. Air Quality**

The DEIS indicates that additional vehicle and truck volumes generated by the project and the resulting effect on intersection levels of service will not produce a measurable change in air quality levels.

The demolition of existing structures, cleanup of the site, and construction of the proposed project are subject to federal, state, and local guidelines that minimize pollutant emissions and protect the neighboring areas from potential hazardous materials.

### **Impacts**

The project may result in the following impacts:

- The greatest potential impact to air quality is from the additional vehicular traffic, especially heavy duty diesel trucks, generated by the project.
- During demolition and construction, dust emissions may occur.
- The demolition of the existing structures on site may result in asbestos fibers becoming airborne.

### **Mitigations**

The applicant will provide the following mitigation measures:

- Dust suppression techniques may be used to reduce dust emissions.
- Existing parking areas will be replaced with a dust-free surface.
- All local, state, and federal laws associated with the removal of asbestos will be followed during demolition of existing structures.
- Trucks will not be permitted to idle on the site for more than 5 minutes, as per New York State Environmental Conservation Law, Title 6 NYCRR, subpart 217-3.

### **Findings**

The Town Board finds that the mitigation measures proposed will minimize the potential impacts of the project on air quality to the maximum extent practicable.

**E. Aesthetic, Historic, Cultural, and Archaeological Resources**

The project will consist of three larger retail buildings, one consisting of a stand alone 155,996 square foot retail space, one consisting of a 96,245 square foot and 5,000 square foot retail space, and one consisting of 3 retail spaces of 165,840 square feet, 132,840 square feet, and 20,818 square feet. Ten outparcels are proposed, ranging in size from 3,750 square feet to 20,437 square feet, and one 115 room hotel is proposed. The proposed project will result in a change in the appearance and viewshed of the site. The applicant has submitted various renderings of the project that include viewsheds from within the site and from nearby areas such as the NYS Thruway, Camp Road, and the adjacent residential neighborhood.

The design of the retail buildings will incorporate unique building massing, variations of architectural elements, and height variations. The façades of the buildings will consist of neutral and earth tone masonry, brick, stone, and clapboard siding and include cornice and trim details, canopy awnings, façade lighting, and store front windows that will occupy at least 40% of the elevations, with entrances as focal points. Additionally, variations in design will cover the rear of the buildings.

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is conducted on site and the NYS Office of Parks Recreation  
) has concurred with the archaeological consultants report and  
ave any significant impact on cultural resources.

### **Impacts**

The project may result in the following impacts to aesthetic resources:

- The construction of the project will result in a change in the physical character of the site and will replace vacant, deteriorating buildings with viable retail buildings.
- The project will remove existing vegetation and may open up viewsheds to and from adjacent properties that previously were not available.

### **Mitigations**

The applicant will provide the following mitigation measures:

- The developer will dedicate 17.4 acres of the eastern, southern, and western boundary of the site as a conservation easement and does not intend to disturb the existing, mature, natural vegetation within this conservation easement.
- Where the existing vegetation within the conservation easement is not sufficient to screen the project from adjacent residential areas, additional mitigation will be implemented such as constructing a landscaped berm, providing supplemental landscaping, and possibly including fencing. The developer will work with the neighbors to develop sufficient screening.
- All outdoor storage areas will be appropriately screened with high quality materials, consistent with the architectural theme of the retail center, and in a manner consistent with screening employed at similar projects in the Town of Hamburg. All outdoor storage areas will consist of appropriate stormwater quality controls.
- Rooftop HVAC units will be screened with parapet walls and perforated roof screening.
- Service areas, dumpsters, and utility facilities will be screened by fencing and landscaping.
- Shopping carts will be collected by the tenant employees on-site after use by customers. Any carts found off-site will be collected by the contractor.

### **Findings**

The Town Board concludes that the following additional mitigation measures shall be incorporated into the project:

- The applicant shall reference the New York State Thruway Authority's Rules and Regulations, Part 105. Advertising Devices and General Guidelines Pertaining to Advertising Devices and obtain the required approval and permits needed prior to constructing any signage on the site.
- Coordinated sign plans shall be prepared according to the Camp Road Overlay.

The Town Board finds that the mitigation measures proposed will minimize the potential impacts of the project on aesthetic resources, open space, and recreation to the maximum extent practicable.

## **F. Transportation**

The site is bound on the northeast by State Route 75 (Camp Road), and the New York State Thruway interchange ramps to Camp Road, and bound to the southeast by the New York State Thruway (I-90). Camp Road is functionally classified as a 5-lane urban minor arterial highway with a posted speed limit of 45 mph in the vicinity of the site. The New York State Thruway is a 4-lane expressway with a posted speed limit of 65 mph and containing a full interchange at Camp Road.

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letro bus route #74b and #74c with service to downtown. There are sidewalks along Camp Road for pedestrians. ities along Camp Road.

act study in the DEIS that identified potential impacts to the roadway network and mitigation to minimize these impacts. Following concerns from the New York State Department of Transportation (NYSDOT) and New York State Thruway Authority (NYSTA), the applicant submitted a revised traffic impact study that phases transportation mitigation subsequent with phasing of the project.

Access to the site is proposed from a site drive to Camp Road, located northwest of the New York State Thruway ramp and through Commerce Place.

### **Impacts**

The project may result in the following impacts on transportation:

- The proposed project will increase traffic in the vicinity of the site.
- The site could generate as many as 15-20 trucks per day, depending on the type of use.
- Development of phase 1 of the project (up to 450,000+/- square feet) is expected to generate 1,183 new vehicle trips during the weekday PM peak hour and 1,725 new vehicle trips during the Saturday midday peak hour.
- Full build out of the project, including phase 1 and phase 2 of the project (up to 652,813+/- square feet and a 115 room hotel) is expected to generate a total of 1,559 new vehicle trips during the weekday PM peak hour and 2,260 new vehicle trips during the Saturday midday peak hour.
- The increases in traffic will potentially have an impact on the following roadways and intersections in the vicinity of the site if not mitigated properly.
  - Camp Road/ Highland Avenue intersection . The eastbound Highland Avenue left turn movement is projected to operate at a Level of Service (LOS) of F during the weekday PM peak hour under full build out of the project.
  - Camp Road/ Legion Drive intersection . The southbound Camp Road left turn movement is projected to operate at a LOS D during the weekday PM peak hour and LOS E during the Saturday midday peak hour under full build out of the project.
  - Camp Road/ Dartmouth Street intersection . The westbound Dartmouth Street approach is projected to experience a decrease in LOS from LOS C to LOS D under Phase 1 conditions and to LOS F during both the weekday PM peak and Saturday midday peak under full build out.
  - Camp Road/ Columbia Street intersection . The westbound Columbia Street approach is projected to experience a decrease in LOS from LOS D to LOS E during the weekday PM peak hour and from LOS C to LOS during the Saturday midday peak hour under Phase 1 conditions. Under full build out, both peak hour LOS decrease to LOS E.
  - Camp Road/ Southwestern Boulevard intersection . The eastbound Southwestern Boulevard left turn movement is projected to operate at a LOS F during the Saturday midday peak hour under Phase 1 and full build out conditions. The westbound Southwestern Boulevard left turn movement is projected to operate at a LOS F during the Saturday midday peak hour under full build out conditions. The northbound Camp Road left turn movement is projected to operate at LOS F during the weekday PM peak hour under full build out conditions.

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ing mitigation measures:

be constructed on the site to circulate on-site traffic.

- In response to comments received from the New York State Department of Transportation and New York State Thruway Authority, the project will be developed in two phases. The first phase will consist of approximately 450,000 square feet of development and require the following mitigation measures, which have been worked out between the applicant, NYSDOT, NYSTA, and the Town:
  1. Construct a new site drive to the northwest of the New York State Thruway interchange to consist of three exiting lanes (two left turn lanes and one right turn lane) and one entering lane.
  2. Install a new three-color, multi-phase traffic signal at the intersection of Camp Road and the new site drive to accommodate a permitted/protected northbound Camp Road left turn phase and an eastbound site drive right turn overlap phase.
  3. Construct a right turn lane on southbound Camp Road at the proposed site drive. The storage for the right-turn lane should range between 225 feet to 450 feet, depending upon right-of-way constraints. It is noted that the entrance to the right turn lane may be blocked occasionally by thru traffic depending upon the length of the right turn lane and the length of the taper that can be provided given the existing right-of-way constraints. The addition of a southbound Camp Road right turn lane will be accomplished by a combination of revising the existing lane widths on Camp Road and widening the pavement where the existing right-of-way is available.
  4. Re-stripe the existing two-way left turn lane to provide a 425 foot (350 foot storage and 75 foot taper) northbound left turn lane on Camp Road.
  5. Install two overhead sign structures on Camp Road, based upon availability of right-of-way, providing motorists with directional guidance for travel lanes.
  6. Mill and resurface Camp Road to allow for installation of new pavement markings.
  7. Reconstruct Commerce Place at Camp Road to include two exiting lanes (one right turn lane and one left turn lane) and one entering lane.
  8. Perform a post-development traffic study upon the completion of Phase I, or sooner if there appears to be a need, to determine if/when signal warrants are met at Commerce Place for the installation of a traffic signal.
- The second phase of the development will consist of approximately 202,813+/- square feet of development plus a 115 room hotel (for a full build out of 652,813+/- square feet and a hotel). Additional mitigation measures will need to be implemented prior to the opening of Phase 2, as follows:
  1. The developer shall conduct a post-construction traffic analysis prior to proceeding with Phase 2 of the development to evaluate operating conditions at key locations that are likely to experience the greatest impact, especially at site drives and thruway ramps. The new data collection will provide an accurate review of the post-opening traffic conditions of Phase 1 and shall include additional mitigation measures to be constructed as part of Phase 2.
  2. When the applicant decides to proceed with Phase 2, additional mitigation measures will need to be implemented. The developer shall not proceed beyond Phase 1 of the project until discussing additional traffic mitigation measures to be implemented with the Town Board, New York State Department of Transportation, and New York State Thruway Authority and until an agreement is reached on implementing an acceptable mitigation alternative that minimizes the traffic impacts of Phase 2 and/or corrects any traffic impacts identified in the post-development traffic analysis of Phase 1 to the maximum extent practicable.

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The Town Board concludes that the following additional mitigation measures shall be incorporated into the project:

- Overnight truck, trailer, camper, and RV parking will not be permitted on site and will be posted as such. Only truck trailers parked at the loading/unloading dock being used for tenant purposes will be permitted to be parked overnight.
- The NYSDOT will monitor the traffic signals at the intersections of Camp Road and Legion Drive and Camp Road and Southwestern Boulevard and make signal timing adjustments if and when they are needed based upon actual traffic conditions.
- Install % turn on red+signage for the eastbound approach of the new site drive at Camp Road.
- Install appropriate pedestrian facilities.

The Town Board finds that the mitigation measures proposed will minimize the potential transportation impacts of the project to the maximum extent practicable.

#### **G. Noise, Odor, and Lighting**

Noise levels at the site and in the surrounding area are highly influenced by traffic on the adjoining highways, including the New York State Thruway, Camp Road, and Southwestern Boulevard. Noise levels vary with traffic volumes and are highest during the morning and afternoon peak hours.

The majority of the site is currently vacant and does not produce any light. There are light standards near the Days Inn that are no longer used. Fisher Bus Service contains perimeter and building lights that stay on during the overnight for security purposes. Camp Road and Commerce Place both have street lights. Vehicles traveling the New York State Thruway will occasionally produce light at night from headlights. There are several commercial establishments along Camp Road, particularly automobile dealerships, that have lights on throughout the night.

#### **Impacts**

The project may result in the following impacts to noise and odor:

- The construction of the project will result in localized, temporary noise and odor impacts.
- The ongoing operations of the site will produce noise and odor from vehicles and delivery trucks.

#### **Mitigations**

The applicant will provide the following mitigation measures:

- No significant noise impacts are projected and will be in compliance with the Town of Hamburg Code, Chapter 175 Noise, which prohibits the creation of unnecessary and unreasonably loud or disturbing noise, and Chapter 280 Zoning.
- Garbage from individual buildings will be collected in enclosed garbage containers and collected by private waste haulers to an approved offsite facility.
- All lighting for the project will be in compliance with Chapter 155-3 of the Hamburg Town Code.
- All lighting used for the project will comply with Chapter 155 and Chapter 280 of the Hamburg Town Code. Lighting will be shielded and aimed downward to limit light spillover to adjacent areas. Lighting will be reduced % after hours+to further reduce the impacts of spillover lighting onto adjacent properties.

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ing vegetation along the conservation easement will aid in and light from the site to the adjacent residential neighborhood.

will be placed along the rear of the property to fill any gaps in to further aid in the screening of noise, odor, and light.

### **Findings**

The Town Board finds that the mitigation measures proposed will minimize the potential noise and odor impacts of the project to the maximum extent practicable.

## **H. Public Health and Safety**

### **Impacts**

The project may result in the following impacts to public health and safety:

- There are underground and above ground fuel storage tanks on the site that will be removed and existing structures to be demolished may contain asbestos.
- There has been leakage of the storage tanks reported by NYSDEC, however, soil sampling of the site did not incur any soil contamination and therefore, no further remedial action will be conducted.

### **Mitigations**

The applicant will provide the following mitigation measures:

- The applicant and/or individual building tenants will provide maintenance such as snow removal, garbage hauling, and other necessary operations, including security and safety monitoring and maintenance of stormwater facilities.
- All local, state, and federal laws associated with the removal of the storage tanks and asbestos will be followed.
- The project sponsor and/or individual building tenants will provide security and safety monitoring of the site.
- Garbage will be stored in enclosed compactors and dumpsters to avoid rodent and insect problems.
- All pedestrian facilities will comply with NYSDOT standards.

### **Findings**

The Town Board finds that the mitigation measures proposed will minimize the potential impacts of the project on public health and safety to the maximum extent practicable. This determination of no adverse impacts is based on no gasoline pumps being included with the project.

## **I. Community Facilities and Services**

The Town of Hamburg Police Department and the Scranton Volunteer Fire Company provide police and fire service to the site. The site is located within the Hamburg Central School District.

### **Impacts**

The project may result in the following impacts to the growth and character of the community:

- The proposed project may slightly increase the demand for police and fire protection.

### **Mitigations**

The applicant will provide the following mitigation measures:

- The proposed project is expected to generate approximately \$880,000 a year in taxes combined for the Town and School District.
- The project will be serviced by a private, contracted garbage hauler that will take solid waste off-site to an approved landfill.

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#### Growth and Character of the Community

The character of the site will change in that a bus garage and abandoned hotel, truck stop, and bowling alley will be replaced with a commercial retail plaza. Surrounding uses along Camp Road are primarily commercial, with adjacent residential neighborhoods.

The project site consists of several separate properties compiling of 79.93+- acres. Fischer Bus has been relocated to another site and the former Days Inn, Leisure Land Bowling Alley, and truck stop on the site have been demolished. Approximately 20 acres of the site consists of blacktop or building area with the remainder of the site vacant and wooded, including about 17 acres of wooded area along the southwest property line under a conservation easement. The site is visible from Camp Road and the New York State Thruway.

#### **Impacts**

The project may result in the following impacts to the growth and character of the community:

- The proposed project will require the rezoning of 16.49 acres of land zoned Light Industrial District (M-2), to General Commercial District (C-2). Approximately 50.51 acres will remain as C-2 zoning and approximately 12.95 acres will remain zoned as Residential- Agriculture District (R-A).
- The proposed project will require a Special Use Permit from the Town Board to allow for more than 100,000 square feet of development.
- The project will comply with the Town of Hamburg Comprehensive Plan, which identifies this area of Camp Road as a Regional Commercial Center.
- The project will comply with the Camp Road Overlay District, which places an emphasis on redevelopment and aesthetic standards.

#### **Mitigations**

The applicant will provide the following mitigation measures:

- The applicant will apply for the Special Use Permit during site plan review.
- Fisher Bus Service has been relocated to a new location.
- Residential areas adjacent to the site will be buffered by the vegetative conservation easement, additional berthing and landscaping, and fencing.

#### **Findings:**

The Town Board finds that the mitigation measures proposed will minimize the potential impacts of the project on the growth and character of the community to the maximum extent practicable.

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Final, economic, and social impacts of the proposed Hamburg  
Town Board is adopting the feasible, prudent, and  
environmental impacts with social, economic, and other  
mitigation of all environmental impacts to the greatest extent  
reasonable and practicable.

**Certification of Findings to Approve:**

Having considered the Draft and Final Environmental Impact Statement, and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The Town of Hamburg Town Board has considered the relevant environmental impacts, facts, and conclusions disclosed in the DEIS and the FEIS and their supporting materials;
2. The Town Board has weighed and balanced the relevant environmental impacts with social, economic, and other considerations;
3. The requirements of 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]) have been met; and
4. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action to be carried out is the one that avoids or minimizes, to the maximum extent practicable, adverse environmental impacts disclosed in the DEIS and FEIS, and that adverse environmental impacts will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to this decision, those mitigating measures that were identified as practicable.

**Filing:**

The Town's designees are hereby directed to file and distribute this Findings Statement as required by 6 NYCRR Part 617 pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review [SEQR]).

**Certification:**

These findings were adopted by majority vote of the Town of Hamburg Town Board at a duly called meeting held on May 11, 2009.

**Town of Hamburg Town Board**

Name of Agency

\_\_\_\_\_  
Signature of Responsible Official

**Steven J. Walters**

\_\_\_\_\_  
Name of Responsible Officer

**Town Supervisor**

Title of Responsible Official

**May 11, 2009**

\_\_\_\_\_  
Date

**Town of Hamburg, S6100 South Park Avenue, Hamburg, New York 14075**

Address of Agency



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