

FILED IN THE
TOWN CLERK'S OFFICE

2023 05 20 P 2:05

Town of Hamburg Planning Board

HAMBURG, NEW YORK

Resolution to Issue Final Environmental Impact Statement for A.L. Asphalt Corporation's Proposed Hot Mix Asphalt Plant at 5690 Camp Road

Whereas, the Town of Hamburg Planning Board ("**Planning Board**") received a Site Plan application from A.L. Asphalt Corporation ("**A.L. Asphalt**" or "**Applicant**") in June 2019 for the construction of a Hot Mix Asphalt Plant ("**Project**" or "**Plant**") and related accessory uses at 5690 Camp Road in the Town of Hamburg ("**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 ("**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;

Whereas, the Planning Board determined that the proposed Plant may include the potential for at least one 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 SEQRA 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 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 ("**DEIS**"), 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 SEQRA 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 (the "**Public Comment Period**"); and in accordance with 6 NYCRR 617.12(c) by a 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 DEIS ("**Public Comments**") and the Listed Deficiencies; and

Whereas, upon the close of the Public Comment Period on July 28, 2023 the Board wrote the Applicant by 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 6 NYCRR 617.9(a)(5)(ii) the Board would require more than the 45 days typically allotted by SEQR to prepare the Final Environmental Impact Statement ("FEIS") 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 SEQRA regulations, and has determined that the FEIS dated October 20, 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; and

Now, Therefore, Be It Resolved, the Planning Board has determined in accordance with Section 617.9 of the SEQRA regulations to accept the FEIS dated October 20, 2023 as complete; and

Be It Further Resolved, that the Planning Board directs the Planning Board's staff to file the attached Notice of Completion of the FEIS with the Department of Environmental Conservation, Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750, and provide the same to Supervisor Hoak at Town Hall, other Interested and Involved Agencies, A.L. Asphalt as 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 6 NYCRR 617.12(b) including at the Planning Board's website, and by providing a physical copy of the FEIS for review at the Hamburg Town Hall, at 6100 South Park Avenue, Hamburg, NY 14075.