# DRAFT ENVIRONMENTAL IMPACT STATEMENT

## Wetzl Development, LLC – Proposed Multifamily Project

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|---|---|
| DATE: | July 11, 2024 |
| LOCATION OF PROECT SITE: | 0 Big Tree Road & 0 Wilson Drive |
| LEAD AGENCY: | Town of Hamburg Planning Board 6100 South Park Avenue - Hamburg, NY 14075 |
| PROJECT SPONSOR: | Wetzl Development, LLC<br><br>Sean Hopkins, Esq.<br>Hopkins Sorgi & McCarthy PLLC<br>5500 Main Street, Suite 343<br>Williamsville, NY 14221<br>Tel: 716.510.4338<br>E-mail: shopkins@hsmlegal.com |
| DEIS PREPARED BY: | Waves A/E<br>2410 N. Forest Road, Suite 301<br>Amherst, NY 14068<br><br>Hopkins Sorgi & McCarthy, PLLC<br>5500 Main Street, Suite 343<br>Williamsville, NY 14221<br><br>Carmina Wood Design<br>487 Main Street<br>Buffalo, NY 14203 |

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2. Letter from Sean Hopkins to Sarah desJardins dated August 26, 2021, consisting of a Project support letter from Arthur Wiscik of 4755 Big Tree Road dated August 25, 2021
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12. Memorandum from the Conservation Advisory Board to the Town Planning Board recommending a Positive Declaration for the project dated March 29, 2021
13. Letter from Sean Hopkins to Sarah desJardins dated March 19, 2021, consisting of an enclosed letter from Christopher Fiume of the Erie County Division of Sewer Management dated March 10, 2021, verifying capacity of the ECSD #3 Collection System after review of the DSCA.
14. Letter from Timothy German of the Erie County DEP to Sarah desJardins dated February 11, 2021, consisting of concurrence by the Erie County DEP that the Town of Hamburg act as Lead Agency for the Project and provided comments related to the Project including additional comments by Joseph McNamera, Assistant Sanitary Engineer for EC DSM
15. Letter from Sarah Gatti of the Erie County DEP to Sarah desJardins dated February 11, 2021, consisting of concurrence by the Erie County DEP that the Town of Hamburg act as Lead Agency for the Project and provided comments related to the Project including additional comments by Joseph McNamera, Assistant Sanitary Engineer for EC DSM
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18. Letter from Sean Hopkins to Tom Zimmerman dated November 11, 2020, consisting of a copy of the Concept Plan (Drawing C-100 dated November 02, 2020).
19. Letter from Sean Hopkins to Sarah desJardins dated November 10, 2020, consisting of an updated project submission.
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21. E-mail from Sarah desJardins to Sean Hopkins dated October 8, 2020, consisting of an outreach effort made by Sarah desJardins to the Sled

HSC snowmobile organization dated October 8, 2020

**D2: Correspondence After Positive Declaration**

1. Letter from Sean Hopkins to Joshua Rogers dated May 17, 2023, containing a copy of the Nationwide Permit No. 29 issued by the USACE dated May 11, 2023

2. E-mail from Casey Gordon, NYSDOT to Joshua Rogers of Wendel Companies dated March 15, 2023, consisting of three comments pertaining to the project.

3. Letter from Michelle Woznick, NYS DEC Deputy Permit Admin., to Joshua Rogers, Wendel Companies, dated March 15, 2023, containing the response by the NYS DEC pertaining to the Draft Scoping Document

4. Letter from Sean Hopkins to Sarah desJardins dated January 31, 2023, containing the Draft Scoping Document submitted on behalf of Wetzl Development, LLC for review by the Planning Board

5. Letter from Sean Hopkins to Sarah desJardins dated September 18, 2021, requesting a copy of the positive declaration issued by the Town of Hamburg Planning Board dated September 15, 2021

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**Appendix H: Downstream Sanitary Sewer Capacity Analysis (DSCA) by Christopher Wood, P.E. of Carmina Wood Morris dated January 5, 2021**

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**Appendix J: Storm Water Management Summary Letter of Christopher Wood, P.E., of Carmina Wood Design dated April 18, 2024**

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**Appendix L: Wetland Delineation Report prepared by Earth Dimensions, Inc. dated June 11, 2020**

**Appendix M: Jurisdictional Determination issued by the United States Army Corps of Engineers dated May 13, 2021**

**Appendix N: Cultural Resources Report prepared by UB Anthropology Dept. dated April 29, 2021**

**Appendix O: Habitat Assessment Report prepared by Earth Dimensions; Inc. dated November 15, 2021**

**Appendix P: No Impact Determination Letter issued by Josalyn Ferguson, Ph.D. of the New York State Office of Parks, Recreation and Historic Preservation dated June 2, 2021**

**Appendix Q: Jurisdictional Federal Wetland Permit Application prepared by Earth Dimensions, Inc. dated December 23, 2021**

**Appendix R: Nationwide Permit issued by the United States Amry Corps of Engineers on May 11, 2023**

**Appendix S: Amended Rezoning Application dated January 11, 2020, with Exhibits 1 to 5 as follows:**

Exhibit 1: Description of Requested Rezoning and Proposed Project

Exhibit 2: Survey of project Site, Prepared by Creekside Boundary Land Surveying, PLLC

Exhibit 3: Concept Site Plan - Dated 11-02-20, Prepared by Carmina Wood Morris DPC

Exhibit 4: Parcel Reports for 0 Big Tree Road and 0 Wilson Road from Erie County GIS

Exhibit 5: Legal Description of Property to be Rezoned from R-1 to R-3, prepared by Creekside Boundary Land Surveying, PLLC

## 2. Executive Summary:

The proposed action consists of the construction of a proposed multifamily residential development ("Project") to be located on contiguous parcels at 0 Big Tree Road and 0 Wilson Drive in the Town of Hamburg, County of Erie, NY (collectively the "Project Site"). The action consists of the development of a portion of the approximately 42.5-acre Project Site that consists of vacant land into a residential community that will include approximately 20.1 acres of Permanent Open Space to remain permanently undeveloped.

The Project consists of 156 attached residential units for lease comprised of one-story and two-story buildings with attached garages, a clubhouse, internal access aisles and parking spaces, one curb cut onto Big Tree Road, a stormwater management system, lighting, landscaping, and all related site improvements and required utility connections and improvements. The Concept Site Plan [Drawing C-100] prepared by Carmina Woods Morris DPC provided at **Appendix "G-2"** depicts the Project Sponsor's preferred layout for the Project.[1]

Wetzl Development, LLC (the "Project Sponsor") has applied for the rezoning of approximately 22.4 acres of the Project Site, of which 16.4 acres is proposed to be downzoned from C-1 Local Retail Business District ("C-1") to R-3 Multifamily District ("R-3") and approximately 6 acres is proposed to be rezoned from R-1 Single Family Residence District ("R-1") to R-3 Multifamily District ("R-3"). A complete copy of the Amended Rezoning Application and supporting documentation dated January 11, 2020, with Exhibits 1 to 5 is provided at

[1] A full-size copy of the Concept Site Plan is also included within the Appendices to this DEIS. The project layout as depicted on the Concept Site Plan is the "Preferred Alternative" for purposes of this DEIS.

**Appendix "S"**.[2] The R-3 zoning classification is being sought for approximately 22.4 acres of the Project Site to permit the proposed residential project to be located on a portion of the Project Site.

Pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively "SEQRA"), this Draft Environmental Impact Statement ("DEIS") has been prepared for the Project as required by the Positive Declaration issued by the Town of Hamburg Planning Board on September 15, 2021, in capacity as the designated lead agency, and the Final Scoping Document issued by the Planning Board on March 15, 2023. A copy of the Positive Declaration issued by the Planning Board on September 15, 2021, is provided at **Appendix "B"** and a copy of the Final Scoping Document issued by the Planning Board on March 15, 2023 is provided at **Appendix "C"**.[3]

Provided in this Executive Summary is a brief description of the Project; the project's purpose, need, and benefit; a summary of the applicable regulatory process; the potential significant adverse environmental impacts associated with the Project that were identified by the Planning Board in the Positive Declaration it issued on September 15, 2021; and the

[2] Exhibits 1 to 5 of the Amended Rezoning Application dated January 11, 2020 consist of the following: Exhibit 1: Description of Requested Rezoning And Proposed Project; Exhibit 2: Survey of project Site, Prepared by Creekside Boundary Land Surveying, PLLC; Exhibit 3: Concept Site Plan - Dated 11-02-20, Prepared by Carmina Wood Morris DPC; Exhibit 4: Parcel Reports for 0 Big Tree Road and 0 Wilson Road from Erie County GIS; and Exhibit 5: Legal Description of Property to be Rezoned from R-1 to R-3 prepared by Creekside Boundary Land Surveying, PLLC

[3] Scoping is the process by which the issues to be addressed in the draft EIS are identified. The scoping process has six objectives as follows: 1. Focus the draft EIS on the potentially significant adverse environmental impacts; 2. Eliminate non-significant and non-relevant issues; 3. Identify the extent and quality of information needed; 4. Identify the range of reasonable alternatives to be discussed; 5. Provide an initial identification of mitigation measures; and 6. Provide the public with an opportunity to participate in the identification of impacts.

proposed mitigation measures to be implemented to reduce the magnitude of the identified potentially significant environmental impacts to the maximum extent practicable. In addition, alternatives to the Project (the Preferred Alternative), as well as an analysis of the potential positive impacts of the Project are included in this Executive Summary.

## 2.1 Purpose, Need and Benefit of the Proposed Action:

The Project's purpose is to provide residential housing for lease at the Project Site in a well-designed community that will include shared amenities including a clubhouse and a playground.

The Project will result in several benefits to accommodate the growing need for housing in the Town, State, and region. Specific anticipated benefits of the Project are as follows:

- Enhanced housing diversity and availability.
- Increased annual property tax revenues for taxing jurisdictions.
- Enhanced local amenities and quality of life.
- Support economic development in the Town of Hamburg.

## 2.2 SEQRA Process:

This DEIS is intended to facilitate the State Environmental Quality Review Act ("SEQRA") review process for the Project by providing an assessment of the potentially significant adverse environmental impacts of the Project identified by the Planning Board within the Positive Declaration it issued on September 15, 2021[4] The Town of Hamburg Planning Board is acting as the designated Lead Agency and conducting a coordinated review of the Project in compliance with the applicable SEQRA requirements. Within the Positive Declaration issued by

[4] A copy of the positive declaration issued by the Planning Board on September 15, 2021, is provided at **Appendix "B"**.

the Planning Board on September 15, 2021, the Planning Board determined that the proposed action may include potentially significant environmental impacts to:

- Surface water consisting of the stream corridor and wetlands;
- Plants and animals;
- Open space and ecosystems;
- Transportation;
- Consistency with the Town of Hamburg Comprehensive Plan; and
- Community character[5]
- The Planning Board also identified potential cumulative impacts of the adjoining proposed Parker Road subdivision.

Numerous analyses, plans, and reports and studies have been prepared for the purpose of evaluating the identified potentially significant adverse environmental impacts, which are referenced in the text of this DEIS and attached hereto as Appendices. This information provides the basis for review by the Planning Board, involved agencies and the public.

Pursuant to SEQRA, the purpose of this DEIS is to identify and evaluate environmental impacts associated with the Project; to inform the public and all involved and interested agencies about the Project including its identified potential significant adverse impacts on the

[5] The relevant portion of the resolution adopted by the Planning Board during its meeting on September 15, 2021 stated as follows: "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 Hamburg Planning Board has completed part 2 of the FEAF and analyzed those impacts identified in Part 2 as potentially "moderate to large" in an expanded Part 3 document and reviewed the criteria for determining significance in accordance with Section 617.7 of SEQR and has determined the following: 1. The proposed project may have a significant adverse impact on surface water (stream corridor running through the north end of the site, and wetlands in the area). 2. The project may have a potentially significant adverse impact on plants and animals as the site contains important habitats. 3. The project may have a significant adverse impact on open space and the ecosystems of this area. 4. The project may have a potentially significant adverse impact on transportation. 5. The rezoning/ project may not be consistent with the Town's Comprehensive Plan. 6. The proposed project may have a significant adverse impact on the natural landscape and may not be consistent with the character and quality of the existing area and neighborhood."

environment; and to solicit comments which will assist the Town of Hamburg Planning Board, as the designated Lead Agency, in both evaluating the identified potential significant adverse environmental impacts associated with the Project and the proposed mitigation measures which will be implemented to minimize and/or avoid the identified potentially significant adverse environmental impacts to the maximum extent practicable. Affording involved agencies and the public such an opportunity accords with SEQRA's mandate that involved agencies and the public be included in the review of this DEIS.

## 2.3 Project Site:

The Project is proposed to be located on a portion of approximately 42.5-acre Project Site and will consist of 156 attached residential units for lease. The Project Site is located along Big Tree Road, and is bounded by Parker Road on the east, a commercial use building to the west, Big Tree Road to the north, and residential lots to the south.

The Project Site is located in a semi-urban landscape, transitioning from single-family residences and local retail areas to a more densely populated residential setting. The Project Site, consisting of 42.5 acres, exhibits a gentle topographical variation with slopes ranging from 0 to 10%. It features a blend of natural landscapes, including some grasslands, forested areas, and wetlands subject to federal jurisdiction. The Project Site also includes a tributary to Rush Creek, with flows traveling through the Project Site from east to west.

The Project Site is presently zoned C-1 Local Retail Business District ("C-1") and R-1 Single Family Resident District ("R-1"). The C-1 zoning district allows for a wide range of

commercial uses.[6] The R-1 zoning district allows single-family homes, clustered residential layouts, and community related uses.[7] Surrounding areas feature a blend of residential properties and local businesses, with the Project Site's location offering easy access to these community hubs. The proposed rezoning of a portion of the Project Site to R-3 aims to integrate multifamily units for lease with attached garages on a portion of the Project Site, enriching the community fabric by adding diverse housing options while maintaining consistency with the existing suburban setting. The strategic position of the Project Site, coupled with the requested zoning amendment, will enable a comprehensive residential development approach that is consistent with local character and planning objectives.

[6] Pursuant to Section 280-70 of the Zoning Code (titled "Permitted uses and structures"), the uses and structures permitted in the C-1 District are as follows: A. Principal uses and structures (less than 15,000 square feet or as noted): (1) Principal uses and structures permitted in the NC District, except Use Group 1 (no residential housing shall be permitted), and principal uses and structures permitted in the HC District. (2) The following uses, when conducted entirely within an enclosed building: (a) Retail sales, but not including any use first permitted in the C-2 or M District. (b) Dry-cleaning and pressing establishments, limited to 2,000 square feet of floor area per establishment. (c) Eating or drinking establishments, provided that any entertainment shall be limited to television, radio or music, and further provided that no sale of alcoholic beverages for consumption on the premises shall be permitted on any lot where the principal building is less than 500 feet from a side lot line that abuts any R District boundary. (d) Garden center (indoor use only, see special use permit for outdoor display). (3) Hotels or motels, subject to the above restrictions on eating and drinking establishments. (4) Banks and drive-through banks, provided that at least five reservoir spaces are provided on the lot for each drive-in teller's window. Such reservoir spaces shall be exclusive of required parking spaces. (5) Racquetball clubs, squash courts, health spas and related physical fitness facilities. (6) The following uses by special use permit authorized by the Planning Board: (a) Nursery schools and day-care centers. (b) Garden center (with outdoor display/storage).

[7] Pursuant to Section 280-31 of the Zoning Code (titled "Permitted uses and structures") the uses and structures permitted in the R-1 District are as follows: (1) Principal uses and structures permitted in the R-E District, except use groups 4 and 5; (2) Single-family detached dwellings; (3) Cluster housing, subject to regulations stipulated in Article XL and subject to site plan approval by the Planning Board; (4) Private nonprofit elementary or secondary schools accredited by the New York State Department of Education; (5) Public libraries and public museums; and (6) The following uses by special use permit authorized by the Planning Board (see Article XLVI): (a) Barns for storage purposes.

## 2.4 Summary of Impacts Assessment:

The Project may result in potentially significant adverse environmental impacts as identified in the positive declaration issued by the Planning Board on September 15, 2021, that are planned to be avoided, minimized, or mitigated to the maximum extent practicable. The following is a summary of the impacts assessment provided in this DEIS.

## 2.5 Land Impacts:

The regional setting of the Project Site will be unchanged, and topography will not be significantly altered by taking a balanced cut-fill approach during construction of the Project. No adverse impacts to either bedrock or surficial geologic materials will result and there will not be any substantial removal of earthen materials.

Soils will not be adversely impacted during construction or operation since Best Management Practices ("BMPs") will be implemented, and erosion and sedimentation controls will be regularly maintained as required per the applicable stringent standards.

The Project Sponsor acknowledges that the submission and approval of a Stormwater Pollution Prevention Plan ("SWPPP") will be required in connection with the future Site Application review process for the Project. The SWPPP, to be prepared by Carmina Wood Design, the project engineering firm, will need to be reviewed and approved by the Town Engineer. The approval of the SWPPP and compliance with the applicable standards will ensure that construction activities in furtherance of the Project will not result in any potentially significant erosion impacts during the construction of the Project.

## 2.6 Surface Water and Ground Water Resources Impacts:

The Project will not have adverse impacts on groundwater. No groundwater will be withdrawn, excavations for buildings will not extend into the groundwater table, and no

groundwater discharge is associated with the Project. Stormwater management measures will be employed to detain surface water flow and allow groundwater infiltration per the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC"). BMPs will also be employed to minimize impacts to streams and other waters on the Project Site during construction activities.

Surface water resources at the Project Site consisting of a tributary to Rush Creek have been avoided to the maximum extent practicable and impacts to the on-site jurisdictional federal wetlands have also been minimized to the maximum extent practicable. Aquatic resources on the Project Site were identified, evaluated, and considered during the design process based on input received from Earth Dimensions, Inc., the project wetland consulting firm.

The layout of the Project is based on the USACE's Jurisdictional Determination issued on May 13, 2021.[8]. As a result of the deliberate design to minimize wetland impacts, the Project will impact only 0.04 acres of the 7.51-acre jurisdictional federal wetland for the purpose of the on-site stormwater management area, as depicted on the Concept Site Plan.[9] This minor wetland impact will only result in 190 cubic yards of fill material.[10] Moreover, the Project will preserve approximately 20.1 acres of the Project Site as Permanent Open Space.

It should be noted that the 20.1 acres of Permanent Open Space will be subject to a

[8] A copy of the Jurisdictional Determination issued by the United States Army Corps of Engineers on May 13, 2021, is provided at **Appendix "M".**

[9] A copy of the Nationwide Permit issued by the United States Amry Corps of Engineers on May 11, 2023, is provided at **Appendix "R"**.

[10] Letter from Christopher Wood, P.E., to Town Planning Board dated June 8, 2021, consisting of response to Question 3c of Part 2 of the Full EAF regarding dredging more than 100cy of material from a wetland or water body dated June 8, 2021.

Declaration of Restrictions to be recorded at the Erie County Clerk's Office to ensure it permanently remains undeveloped.

Proposed impervious surfaces will create stormwater runoff. The Project will result in approximately 9.2-acres of impervious surfaces consisting of driveways, parking spaces and access aisles and buildings. The runoff from the impervious surfaces will be conveyed into the on-site stormwater management system, which will be designed and installed, per New York State Department of Environmental Conservation ("NYSDEC") stormwater quality and quantity standards including the capacity to handle a 100 yr. storm event. The Project will disturb more than one acre of the Project Site, requiring the design of a Storm Water Pollution Prevention Plan ("SWPPP"), in accordance with regulations of the New York State Department of Environmental Conservation ("NYSDEC"). The SWPPP will be designed to mitigate any adverse environmental impact and will include measures such as on-site drainage facilities, detention systems, and water filtration systems. While specific details of the SWPPP are not prepared currently, such strategies are standard practice for minimizing environmental impacts and ensuring compliance with the applicable stringent standards.

The Project will include a storm water collection system for all impervious surfaces, such as roadways, driveways, access aisles and parking spaces and the proposed multifamily buildings. Runoff will be collected from the development and conveyed to storm water management areas. These areas will be designed in accordance with the NYSDEC Stormwater Management Design Manual. These areas will provide both water quality and quantity storage components.

## 2.7 Plants and Animals Impacts:

Based on Habitat investigation Report of the Project Site prepared by Earth Dimensions, Inc., the Project will not result in any potentially significant adverse impact to existing terrestrial

and aquatic ecologies.[11] The habitat investigation determined that no significant ecological communities or high-quality wildlife habitat are present on the Project Site. There are minimal, potentially suitable habitats present for the northern long-eared bat, blue-winged warbler, and red-headed woodpecker, which will be preserved to the maximum extent practicable via the permanent preservation of approximately 20.1 acre of the Project Site as permanent open space.

## 2.8 Traffic and Transportation Impacts:

The Project will result in an increase of traffic volumes on roadways in the vicinity of the Project Site. The comprehensive Traffic Impact Study prepared by SRF Associates took into consideration projected increase in traffic during the weekday peak travel periods for both the Project and the proposed Manko residential subdivision to be located on Parker Road.[12]

Despite the projected increase in traffic, a detailed analysis across seven intersections, extending out to the State Highway system as required by the NYSDOT (Ref. Appendix D2-2), conducted by SRF Associates indicated that the impacts are manageable with minor Level of Service ("LOS") changes under full build conditions, demonstrating that the existing roadway network can handle the additional traffic with minor improvements, such as a restriping of the intersection of Big Tree Road and the Proposed Multifamily Westerly Driveway to accommodate drivers turning left from Big Tree Road onto the proposed driveway via a two-way left-turn lane treatment.

The Traffic Impact Study concludes that with the SRF Associates recommended improvements to striping and introduction of left turn lanes that the existing transportation

[11] A copy of the Habitat Assessment Report prepared by Earth Dimensions, Inc. dated November 15, 2021, is provided at **Appendix "O"**.

[12] A complete copy of the Traffic Impact Study prepared by SRF Associates dated April 2, 2021, is provided at **Appendix "I".**

network can support the projected traffic from the proposed Project without resulting in significant adverse traffic impacts.[13]

## 2.9 Energy and Utility Facilities Impacts:

Water for the Project will be supplied by Erie County Water Authority ("ECWA"). The Project Site is currently within the existing service district and the existing public water supply has capacity to serve the Project. There will be a need for installation of new private water infrastructure on the Project Site to serve the Project. The Project Sponsor acknowledges that it will need to obtain ECWA approval for the Project during the Site Plan Application review process.

The Project will be served by the Erie County Sewer District No. 3 and sanitary sewer flow from the Project will be treated at the Southtowns Advanced Wastewater Treatment Plant. A Downstream Sewer Capacity Analysis Report ("DSCA") was prepared by Carmina Wood Morris, DPC. A copy of the DSCA is provided at **Appendix "H"** and it demonstrated there is adequate downstream sanitary sewer capacity to service the Project during wet weather conditions per NYSDEC Inflow and Infiltration Policy that applies to proposed projects that will generate more than 2,500 gallons per day of sanitary sewer flow.[14]

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[13] A complete copy of the Traffic Impact Study prepared by SRF Associates dated April 2, 2021, is provided at **Appendix "I".**

[14] A copy of the letter issued by Christopher Fiume of the Erie County Division of Sewage Management confirming adequate downstream sanitary sewer capacity during wet weather conditions is provided at **Appendix "G1", Item 8.** This letter stated as follows: "The Erie County Department of Environment and Planning - Division of Sewerage Management (ECDEP-DSM) reviewed the Downstream Capacity Analysis (DSCA) submitted for the above mentioned project in the Town of Hamburg and concurs with your analysis that there is sufficient capacity in the system for the proposed peak flow of approximately 140,000 gallons per day. The required I&I remedial work for the proposed peak flow of 96.6 gpm is 13 lateral replacements. The DSM will forward the Engineer's Certification and this letter to the Health Department during the coordinated review process. The DSCA verifies capacity in the ECSD #3 collection system."

## 2.10 Air Resources Impacts:

The operations involved in the Project which consists of a residential use will not produce substantial quantities of greenhouse gases, such as carbon dioxide, nitrous oxide, perfluorocarbons, sulfur hexafluoride, hydrochlorofluorocarbons, or methane. Additionally, the Project will generate minimal hazardous air pollutants, staying well below the levels of concern for both individual and combined pollutants. The Project ensures that total contaminants and heat generation do not approach levels that would necessitate specific air permits or registrations. Moreover, the Project does not involve processes such as high-volume combustion or thermal treatment of materials, which could significantly impact air quality.

## 2.11 Public Health Impacts:

The Project will not result in any adverse impacts on potentially sensitive sites such as schools and hospitals. The Project Site is not associated with any ongoing or past environmental remediation efforts, which significantly reduces the risk of encountering hazardous materials during development. There are no activities planned that would involve the construction or modification of solid waste management facilities, nor is there any likelihood of unearthing hazardous waste during the construction of the Project.

## 2.12 Growth and Character of Community Impacts:

The Project will not result in a potentially significant adverse impacts on community character. The residential project is low-density considering the size of the Project Site. The Project aims to uphold the residential quality of the area without introducing substantial changes to the established visual landscape.

Economic benefits are anticipated from the Project, which are expected to be substantial for the Town of Hamburg and the surrounding region. However, the economic development will

be carried out with a commitment to maintaining the character of the Town, ensuring that growth does not detract from the quality of life for the Town's residents.

## 2.13 Unavoidable Adverse Environmental Impacts:

The Project Sponsor has applied to the Town of Hamburg Town Board for the rezoning of approximately 22.4 acres of land from C-1 Local Retail Business District and R-1 Single-Family Residence District to R-3 Multifamily District. The requested rezoning will permit the proposed residential project including the proposed site improvements.

The Project will permanently change the Project Site by altering habitats for non-endangered species and changing existing traffic patterns on the roadway network in the vicinity of the Project Site. Mitigation measures have been proposed to minimize these impacts to the maximum extent practicable.

Short-term and unavoidable impacts will be the result of construction activities in furtherance of the Project including increased noise, odors, and air quality generated during soil disturbance and construction equipment operation.

Long-term impacts resulting from the Project consist of the following;

- Changes to the Project Site: Approximately 2245 acres of the 42.5-acre Project Site will be permanently changed, with the remaining 20.1 acres to consist of Permanent Open Space including the ecologically sensitive areas of the Project Site.

- Permanent Use of Energy: The project will have a continuous demand for energy resources like electricity and natural gas, this demand is considered environmentally insignificant.

- Altered Habitats: Non-endangered species will lose a small amount of habitat due to the Project construction. However, these non-protected habitats are common and will not result in a significant environmental impact.[15]

- Impacts to Aquatic Resources: 0.04 acres of federally jurisdictional wetlands will be

[15] A copy of the Habitat Assessment Report prepared by Earth Dimensions; Inc. dated November 15, 2021, is provided at **Appendix "O"**.

permanently filled along 40 linear feet of the on-site tributary of Rush Creek. The USACE has authorized this minor impact via the issuance of a Nationwide Permit No. 29 on May 11, 2023.[16]

- Impact on Existing Traffic Patterns: Traffic volume and patterns will change. To mitigate these impacts, the existing striping pattern will be restriped to legally accommodate drivers turning left from Big Tree Road onto the proposed Project driveway via a two-way lane (TWLTL) treatment. This alteration will not result in any significant traffic impact (Ref. Appendix I).

## 2.14 Evaluation of Mitigation Measures:

Mitigation measures are proposed to address the identified environmental impacts of the Project.

A SWPPP, featuring a stormwater management system, will be designed by Carmina Wood Design, the project engineering firm, to efficiently manage stormwater runoff, protecting land and waterways including the on-site tributary of Rush Creek. Strategic areas for stormwater management have been established to ensure long-term environmental integrity.

To manage the projected increased traffic per the detailed analysis included in the Traffic Impact Study prepared by SRF Associates, a plan to restripe Big Tree Road at the entrance to the Project Site will create a two-way left turn lane, improving traffic flow and reducing congestion.[17]

Pedestrian connectivity is a key design component of the Project, with networks of sidewalks and trails integrated to link residential areas with amenities and green spaces, promoting non-motorized transportation and community interaction.

Furthermore, the Project commits to preserving community-valued recreational trails,

[16] A copy of the Nationwide Permit issued by the United States Amry Corps of Engineers on May 11, 2023, is provided at **Appendix "R"**.

[17] A complete copy of the Traffic Impact Study prepared by SRF Associates dated April 2, 2021, is provided at **Appendix "I".**

including snowmobile paths, with plans to reroute them in consultation with local groups as necessary with the goal of maintaining access and connectivity.

## 2.15 Project Alternatives:

No-Action Alternative: This scenario maintains the current land use and environmental conditions, projecting future impacts and benefits without the proposed development.

As-of Right Development: This development scenario involves the build out of the Project Site based on its existing zoning classifications. Developing the Project Site according to its existing zoning classifications constitutes the "As-of-Right" Development alternative. This approach would result in a more intensive project and the identified environmental impacts would be more substantial. The "As-of-Right" development alternative would also result in a project that is less compatible with neighboring developments.

Multifamily and Residential Subdivision Alternative: This development scenario would involve rezoning of approximately 16.4 acres of the Project Site from C-1 to R-3 to accommodate 102 attached residential units with garages for lease. This alternative would increase the magnitude of certain of the potentially significant adverse environmental impacts identified by the Planning Board in its capacity as the Lead Agency including greater loss of vacant land to remain permanently undeveloped.

Preferred Alternative: The rezoning of a portion of the Project Site from C-1 to R and R-1 to R-3 under the Preferred Alternative aims to provide residential units for lease on a portion of the Project Site. It includes dedicating 20.1 acres of Permanent Open Space for preserving habitats and the implementation of mitigation measures such as a Storm Water Pollution Prevention Plan and road restriping for left turns into the Project for improved traffic management.

## 2.16 Cumulative Impacts:

Existing or Approved Projects: Two pending projects are located within the regional vicinity of the Project Site consisting of the David Manko Parker Road residential subdivision and the new Bills Stadium that is under construction. The new Bills Stadium is not anticipated to increase the volume of traffic compared to the existing stadium with a larger seating capacity. The David Manko Parker Road residential subdivision will contribute to an increase of the number of single family homes in the area, increases in traffic during the weekday peak travel periods and demand for local utilities such as sanitary sewer and water and community services.

Surface Water Impacts: The Project's increase of impervious surfaces creates a need for the installation of an on-site storm water management system.

Impacts on Plants and Animals: The Project's impact on local ecosystems, particularly through habitat alteration and fragmentation, has been considered in the broader context of potential cumulative environmental changes. There has been a collaborative effort aimed at habitat preservation, restoration, and the establishment of green space on the Project Site and the adjacent David Manko Parker Road residential subdivision, which will help maintain biodiversity and ecosystem health across the cumulative project areas. This approach aligns with SEQRA's emphasis on comprehensive environmental stewardship.[18]

Traffic and Transportation Impacts: There will be an increase in local traffic volumes and a change in traffic patterns due to the Project and the proposed David Manko Parker Road residential subdivision. The new Bills Stadium will not result in cumulative traffic impacts with

[18] The David Manko Parker Road residential subdivision consists of a residential subdivision that includes approximately that includes providing a 50 ft. wide riparian buffer for the portion of the tributary of Rush Creek that bisects a portion of the residential subdivision site.

the Project given the planned reduction in seating capacity from approximately 71,000 to 62,000 seats that will result in a decrease in traffic generate by the new stadium on game days.

## 2.17 Growth Inducing Impacts:

The Project will produce growth in the Town of Hamburg, particularly in residential housing and customers of local businesses within a trip proximity to the Project Site. The introduction of new residential housing will benefit Hamburg's housing market by addressing current housing demand.

Economic development will be supported by the 156-unit multifamily residential project, which will create jobs during construction. Construction jobs will be drawn from the local labor pool in Western New York. This bolsters the local economy through patronage of businesses near the Project Site.

## 2.18 Potential Impacts Determined to not be Potentially Significant:

The adverse environmental impacts that are not potentially significant do not require an in-depth analysis within this DEIS. These impacts include impacts to geological features, impacts to ground water resources, impacts on air, impacts on aesthetic resources, impacts on historic and archeological resources, impacts on energy and impacts on human health.[19]

[19] See Parts 2 and 3 of the Full Environmental Assessment Form prepared by the Planning Board provided at **Appendix "A"**.

# 3. Introduction:

This DEIS presents an in-depth analysis of a proposed residential development project situated on approximately 42.5 acres of vacant land at 0 Big Tree Road and 0 Wilson Drive, within the Town of Hamburg, New York. The Project consists of 156 attached residential units for lease, along with all related site improvements as depicted on the Concept Site Plan (Appendix R) prepared by Carmina Wood Morris DPC. The residential project includes a pending requested zoning amendment for 22.4 acres of the Project Site from C-1 Local Retail Business District and R-1 Single-Family Residence District to R-3 Multifamily District.

The primary purpose of the Project is to provide high quality housing for lease within the community, offering a modern, sustainable living environment that promotes economic growth while respecting environmental considerations. It aims to enhance local infrastructure, community amenities, and the overall quality of life for the Town of Hamburg residents, presenting a balanced approach to development that mirrors the State Environmental Quality Review Act ("SEQRA")'s ethos of a suitable balance of environmental, social and economic factors.

By offering 156 attached units for lease, the Project directly responds to the need for quality, accessible housing, contributing to the community's economic vitality through construction and subsequent household activities. The project layout strategically permanently reserves approximately 20.1 acres as Permanent Open Space to be protected via the recording of a Declaration of Restrictions at the Erie County Clerk's Office, ensuring long-term environmental protection and providing residents with valuable permanent green space for recreation, which enhances the overall quality of life. Furthermore, the Project anticipates bringing infrastructural improvements, fostering community cohesion through shared amenities like a clubhouse, and aligning with the Town's planning goals and objectives. These elements

collectively underscore the Project's commitment to satisfying public needs while also providing benefits to the community.

The Project has undergone a rigorous coordinated environmental review pursuant to SEQRA, with the Town of Hamburg Planning Board acting as the designated as the Lead Agency. Th coordinated environmental review process led to the issuance of a Positive Declaration by the Planning Board on September 15, 2021, indicating the Project may have potentially significant environmental impacts on surface water consisting of stream corridor and wetlands; surface water consisting of the stream corridor and wetlands; plants and animals; open space and ecosystems; transportation; consistency with the Town of Hamburg Comprehensive Plan; and community character. Additionally, the Positive Declaration referenced possible cumulative impacts with the adjacent proposed Parker Road residential subdivision.

The site's layout and design has been carefully planned to include multifamily dwellings (limited to a maximum of two stories in height), a clubhouse, garage buildings, and extensive landscaping, along with the 20.1 acres of the Project Site to consist of designated Permanent Open Space to be protected via the recording of a Declaration of Restrictions at the Erie County Clerk’s Office. The Project design ensures a systematic consideration toward minimizing disruption of the Project Site to the maximum extent practicable.

Traffic circulation on the Project Site has been thoughtfully designed to ensure safe and convenient access for residents and visitors, incorporating internal access aisles, parking spaces, and one curb cut onto Big Tree Road, which is a NYS Highway, per the input received from the New York State Department of Transportation (“NYSDOT”), regarding the review of the Traffic Impact Study prepared by SRF Associates (Appendix I). This will create an access point to the Project Site from Big Tree Road, improving connectivity with the surrounding infrastructure and ensuring integration into the local road network. These features are

complemented by utilities and stormwater management facilities, designed to meet the community's needs while safeguarding the environment. This development will adhere to stringent regulatory compliance standards, requiring various approvals and permits, including the pending zoning amendment by the Town of Hamburg Town Board.

The Project's potential impacts extend beyond its immediate boundaries, considering potential cumulative impacts with the neighboring proposed David Manko Parker Road subdivision. This ensures a comprehensive understanding of the Project's role within the broader context of area growth and development, emphasizing the importance of coordinated planning.

# 4. Existing Conditions of Project Site:

Section 4.4 of the Final Scoping Document issued by the Planning Board on March 15, 2023 (titled "Existing Conditions of the Project Site") stated as follows:

> "The existing conditions section of the DEIS should present a narrative discussion of each subject area to provide for a sufficient understanding of the potential impacts of the proposed action and how they may affect the environment, such as:
>
> - Topographic setting of the Project Site;
> - Wetlands subject to the jurisdiction of the United States Army Corps of Engineers;
> - Existing environmental conditions of the Project Site;
> - Existing terrestrial and aquatic ecology, including any endangered, threatened, or special concern species;
> - Existing surface and ground water resources;
> - Existing mapped floodway and 100 yr. floodplain boundaries;
> - Existing means of site drainage and stormwater management;
> - Existing land uses on the Project Site and in the vicinity of the Project Site;
> - Existing zoning and other land use regulations governing the use of the Project Site;
> - Existing utilities;
> - Existing solid waste disposal services;
> - Existing air quality, noise, and lighting levels on the Project Site;
> - Existing traffic patterns and conditions in the vicinity of the Project Site;
> - Existing community and emergency services for the Project Site (schools, police and fire protection);
> - Existing historical, archaeological, or cultural resources on the Project Site; and
> - Existing neighborhood character and setting."[20]

[20] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023, is provided at **Appendix "C".**

## 4.1 Topographic Setting of the Project Site:

The Project Site encompasses a 42.5-acre undeveloped vegetated parcel, which contains a tributary to Rush Creek and mildly dense trees and brush. The land is level lake plain lacking topographic relief. Elevations vary little from 800ft above mean sea level. The parcel is bound on all sides by developed suburban settings with cultivated open space, parking lots, roadway systems, large buildings, residences, multi-family residences, and car dealerships. The existing site grade slopes gently both north and south toward an unnamed creek/drainage ditch which flows west and is a tributary to Rush Creek. This provides natural drainage for the Project Site via surface runoff. There are no structures within the project boundaries. This suburban locale offers an appropriate location for a residential community that blends with its existing surroundings. Satellite imagery, site photographs and a Project Area map is available in Attachment C, D and F respectively, of the Cultural Resource Report produced by UB Anthropology department.[21]

## 4.2 Wetlands Subject to the Jurisdiction of the United States Army Corps of Engineers:

The Wetland Delineation Report performed by Earth Dimensions, Inc. indicates that the United States Army Corps of Engineers has jurisdiction over 7.51 acres of the 11 acres of wetlands on the parcel, along with 1,153 linear feet of the tributary to Rush Creek which flows westerly through the northern portion of the Project Site and is classified as a Class C stream by NYSDEC standards.[22] These wetlands are subject to the federal jurisdiction under Section

[21] A copy of the Cultural Resource Report produced by the UB Anthropology Department produced on April 04, 2021, is provided in **Appendix "N".**

[22] A copy of the Wetland Delineation Report performed by Earth Dimensions, Inc. produced on June 11, 2020, is provided at **Appendix "L".**

404 of the Clean Water Act. Other wetland areas within the Project Site are not subject to federal jurisdiction including Wetland 2 (0.11 acres), Wetland 3 (0.15 acres), and Wetland 4 (3.26 acres) since they are isolated, non-navigable, intrastate waters. [23]

## 4.3 Existing environmental conditions of the Project Site:

The Project Site's current environment is a natural undeveloped suburban ecosystem, where the Project Sites natural vegetation coexists with adjacent developed and cultivated lands which bound it on all sides through a mixture of commercial and residential development. This is visible on the satellite image from google earth in Attachment C: Historic Maps, Page 10 of the Cultural Resource Report produced by UB Anthropology.[24]

## 4.4 Existing terrestrial and aquatic ecology, including any endangered, threatened, or special concern species:

The ecological environment includes a variety of terrestrial and aquatic habitats, including five (5) vegetative community types present within the site, as indicated in the Habitat Assessment Report by Earth Dimensions. Earth Dimensions determined that no significant communities or high-quality wildlife habitat is present within the project area. The Habitat Assessment Report found potentially suitable habitat is present for northern long-eared bat, blue-winged warbler and red-headed woodpecker. No listed species were identified during the stie investigation.[25]

## 4.5 Existing surface and ground water resources:

The existing surface and ground water conditions are predominately the tributary of

[23] A copy of the Jurisdictional Determination by US ACOE on May 13, 2021, is provide in **Appendix "M".**

[24] A copy of the Cultural Resource Report produced by the UB Anthropology Department produced on April 04, 2021, is provided in **Appendix "N".**

[25] A copy of the Habitat Assessment Report produced by Earth Dimensions, Inc, on November 15, 2021, is provided in **Appendix "O".**

Rush Creek, populated by surface runoff through the natural vegetation to the creek. The areas water contributes to the regional Glaciated Erie Lake Plain / Rush Creek Watershed as defined in the Cultural Resource Survey Form.[26]

## 4.6 Existing mapped floodway and 100 yr. floodplain boundaries:

There are no floodways or 100 yr. floodplains within the Project Site. Not surprisingly the area along the banks of the tributary to Rush Creek there is a presence of Fluvaquents (flood plain) and Udifluvent (wet) soils around the drainage areas of the project.[27]

## 4.7 Existing means of site drainage and stormwater management:

The current site drainage throughout the Project Site, which consists of vacant land, has not been subject to engineered stormwater solutions. As there has been no active management of stormwater, the site's drainage is handled entirely by the natural flow of surface water runoff towards the Class C stream that is a tributary to Rush Creek, which serves as the primary outlet for stormwater runoff. The sites landform, with a slope ranging from 0-10%, and predominantly poorly drained soils, naturally directs stormwater runoff with a considerable time of concentration towards the tributary to Rush Creek. This slow movement of water likely contributed to the formation of the jurisdictional federal wetlands on the Project Site.

## 4.8 Existing land uses on the Project Site and in the vicinity of the Project Site:

Per the Cultural Resource Report produced by UB Anthropology, there is no current land use within the Project Site, while within the vicinity of the Project Site there are both

[26] A copy of the Cultural Resource Report produced by the UB Anthropology Department produced on April 04, 2021, is provided in **Appendix "N".**

[27] A copy of the Cultural Resource Report produced by the UB Anthropology Department produced on April 04, 2021, is provided in **Appendix "N".**

commercial and residential developments.[28]

## 4.9 Existing zoning and other land use regulations governing the use of the Project Site:

Zoning determines how land can be utilized. The Project Site is currently zoned both C-1 Local Retail Business District and R-1 Single Family Residential District and is well positioned geographically for the proposed residential use. The Project necessitates a rezoning of a portion of the Project Site to R-3 Multifamily District to allow for the development of the proposed residential project, which is compatible and consistent with the existing uses in the surrounding area and the Town's Comprehensive Plan.

## 4.10 Existing utilities:

There are no existing utilities located on the Project Site.

## 4.11 Existing solid waste disposal services:

There are no existing solid waste disposal conditions nor services within the Project Site.

## 4.12 Existing air quality, noise, and lighting levels on the Project Site:

The existing site naturally benefits from air quality that is filtered from existing vegetation, though the Project Site is bound by cultivated land, commercial uses and residential uses which naturals lowers the quality of air in the immediate surroundings. The noise levels are typical of a developed suburban area with the primary source of ambient noise from the surrounding roadways. Lighting levels in the surrounding area are also typical, reflective of suburban residential neighborhoods and commercial developments with pockets of vegetated

[28] A copy of the Cultural Resource Report produced by the UB Anthropology Department produced on April 04, 2021, is provided in **Appendix "N".**

areas around them. As a result, the Project Site maintains a natural ambient light during nighttime hours.

## 4.13 Existing traffic patterns and conditions in the vicinity of the Project Site:

The existing roadway network in the vicinity of the Project Site is described in Sections III of the Traffic Impact Study prepared by SRF Associates.[29] Table 1 of the Traffic Impact Study contained in Section III provides a description of the existing roadway network within the study are as follows:

TABLE I: EXISTING HIGHWAY SYSTEM

| ROADWAY[1] | CLASS[2] | AGENCY[3] | SPEED LIMIT[4] | # OF TRAVEL LANES[5] | TRAVEL PATTERN/ DIRECTION | EST. AADT[6] & SOURCE[7] |
|---|---|---|---|---|---|---|
| Southwestern Blvd (US-20) | 14 | NYSDOT | 50 | 6 | Two-way/ Northeast-Southwest | 21,267 NYSDOT (2016) |
| Big Tree Road (US-20A) | 14 | NYSDOT | 45 | 2 | Two-way/ East-West | 12,584 NYSDOT (2018) |
| Abbott Road (CR-4) | 16 | ECDPW | 45 | 4 | Two-way/ North-South | 7,586 NYSDOT (2018) |
| Parker Road | 19 | Town | 30 | 2 | Two-way/ North-South | 1,500 SRF (2021) |
| Marilyn Drive | 19 | Town | 30 | 2 | Two-way/ East-West | 280 SRF (2021) |

Notes:
1. Route Name/Number: "NY" = New York; "CR" = County Road
2. State Functional Classification of Roadway (All are Urban): 14 = Principal Arterial, 16 = Minor Arterial, 19 = Local
3. Jurisdictional Agency of Roadway. "NYSDOT" = New York State Department of Transportation; "ECDPW" = Erie County Department of Public Works
4. Posted or Statewide Limit in Miles per Hour (mph).
5. Excludes turning/auxiliary lanes developed at intersections.
6. Estimated AADT in Vehicles per Day (vpd).
7. AADT Source (Year). SRF data estimated based upon an extrapolation of turning movement counts.

Section III of the Traffic Impact also contains information regarding pedestrian and bicycle facilities and transit facilities as follows:

[29] A complete copy of the Traffic Impact Study prepared by SRF Associates dated April 2, 2021, is provided at **Appendix "I".**

**PEDESTRIAN & BICYCLE FACILITIES:**

There are sidewalks along both sides of Southwestern Boulevard and there is a short segment of sidewalk along the south side Big Tree Rd that extends from Southwestern Boulevard to the commercial plaza driveway.

There are no dedicated bicycle lanes or trails although cyclists are permitted to share the road on all roadways within the study area.

**TRANSIT FACILITIES:**

Public transit service within the study area is provided by the Niagara Frontier Transit Metro System, Inc (NFTA). NFTA currently provides service via Route 72 along Abbott Road and Big Tree Road (east of Abbott Road).

The existing traffic conditions in the vicinity of the Project Site are described in IV of the

Traffic Impact Study prepared by SRF Associates as follows.

## IV. EXISTING TRAFFIC CONDITIONS

### *A. Peak Intervals for Analysis*

Given the functional characteristics of the corridors, adjacent land uses, and the proposed land use for the project sites (residential), the peak hours selected for analysis are the weekday commuter AM and PM peak periods. The combination of site traffic and adjacent through traffic produces the greatest demand during these time periods.

### *B. Existing Traffic Volume Data*

Turning movement traffic counts were collected by SRF at the study area intersections described. Traffic counts were conducted on a typical weekday between 7:00-9:00 AM and 4:00-6:00 PM and on the dates noted in Table II. The peak hour traffic periods for each study intersection are noted in the table. The unadjusted weekday AM and PM peak hour volumes are reflected in Figure 3A. Traffic data for the Big Tree Road/Abbott Road intersection was obtained from the GBNRTC database. This data was collected on Tuesday, September 10, 2019, and inflated using the growth rate discussed in *Section V* to establish representative 2021 peak hour volumes.

TABLE II: STUDY INTERSECTION PEAK HOURS

| INTERSECTION | DATE OF STUDY | AM PEAK HOUR | PM PEAK HOUR |
|---|---|---|---|
| Southwestern Boulevard/Big Tree Road | March 4, 2021 | 7:30-8:30 AM | 4:00-5:00 PM |
| Big Tree Road/Parker Road/ECC Driveway | March 4, 2021 | 7:15-8:15 AM | 4:00-5:00 PM |
| Big Tree Road/Abbott Road | September 10, 2019 | 7:30-8:30 AM | 4:00-5:00 PM |
| Parker Road/Marilyn Drive | March 4, 2021 | 7:15-8:15 AM | 4:00-5:00 PM |

TABLE II: STUDY INTERSECTION PEAK HOURS

| INTERSECTION | DATE OF STUDY | AM PEAK HOUR | PM PEAK HOUR |
|---|---|---|---|

It is noted, however, that traffic volumes are currently lower than normal because of business restrictions resulting from COVID-19 pandemic. Traffic volumes were compared to traffic data obtained in various locations before the COVID-19 pandemic by the NYSDOT and adjusted to reflect 2021 representative traffic conditions by increasing the collected traffic volumes. This is consistent with NYSDOT and ITE methodology for adjustments related to collected traffic volumes affected by the COVID-19 pandemic. The collected traffic volumes were generally 20% lower during the peak periods.

Given the proximity to ECC South Campus, this study researched the effect of the pandemic on in-person sessions at the campus. ECC personnel stated that approximately 20% of sessions are held in-person. Therefore, this study increased the volume of traffic related to ECC South Campus, using the traffic counts obtained at the Big Tree Road/Parker Road/ECC Driveway, to reflect typical ECC South Campus conditions.

Figure 3B illustrates the representative 2021 weekday AM and PM peak hour base volumes used for analysis purposes in this study.

### *C. Field Observations*

The study of intersections was observed during both peak intervals to assess current traffic operations. Signal timing information was obtained from the NYSDOT through a Freedom of Information (FOIL) request to determine peak hour phasing plans and phase durations during each interval. This information was used to support and/or calibrate capacity analysis models described in detail later in this report.

### *D. Existing Crash Investigation*

The purpose of this crash analysis is to identify inherent safety issues by studying and quantifying historical crashes at the study intersections and identifying potential crash patterns and clusters.

A crash cluster is defined as an abnormal occurrence of similar crash types occurring at approximately the same location or involving the same geometric features. The severity of the crashes should also be considered. A history of crashes is an indication that further analysis is required to determine the cause(s) of the crash(es) and to identify what actions, if any, could be taken to mitigate the crashes.

A crash investigation within the study area was conducted to assess the safety history from January 1, 2018, through December 31, 2020. The data was provided by the New York State Department of Motor Vehicles (NYSDMV) through a Freedom of Information (FOIL) request.

Reportable (non-injury, injury, and fatal injury) type crashes are defined as damage to one person's property in the amount of $1,001 or more. The non-reportable type crashes result in property damage of $1,000 or less. Crash rates were computed for the study intersections and compared with New York State Department of Transportation average crash rates for similar intersections, as summarized in the following table. Intersection rates are listed as accidents (crashes) per million entering vehicle (Acc/MEV). Pertinent crash data is provided in the Appendices.

TABLE III: EXISTING ACCIDENT INVESTIGATION

| INTERSECTION | TOTAL NO. OF ACCIDENTS | ACTUAL CRASH RATE | STATEWIDE AVERAGE CRASH RATE |
|---|---|---|---|
| Southwestern Boulevard/Big Tree Road | 28 | 0.88 | 0.23 |
| Big Tree Road/Parker Road | 3 | 0.26 | 0.31 |
| Big Tree Road/Abbott Road | 15 | 0.74 | 0.23 |
| Parker Road/Marilyn Drive | 0 | 0.00 | 0.18 |

Two of the four study intersections had a crash rate lower than the statewide average. The results of the two intersections with calculated rates higher than the statewide average are described in greater detail.

Southwestern Boulevard/Big Tree Road

As shown in Table III, the study intersection has a crash rate that is 3.8 times higher than the statewide average crash rate for similar intersections. Of the 28 crashes, one was fixed object related and one was animal related. When discounting these two crashes from the total rate, the actual crash rate decreases to 0.81 Acc/MEV. Notable crash clusters—approaches with three or greater identifiable consistent crash patterns—at this location include:

- Rear-end (nine total crashes)
  - Eastbound (four crashes)
  - Westbound (three crashes)
- Right angle
  - Westbound (three crashes)

The frequency of rear-end crashes is characteristic of signalized intersections along heavily trafficked corridors, such as Southwestern Boulevard. Most of these crashes, in addition to the other reported crashes, were caused by driver inattention, following too closely, or disregarding the traffic control device. Despite the number of crashes, no inherent safety deficiencies exist related to the geometric conditions of the intersection.

Big Tree Road/Abbott Road

As shown in Table III, the study intersection has a crash rate that is 3.2 times higher than the statewide average crash rate for similar intersections. Of the 15 total crashes, three right angle crashes occurred in the northbound direction. These crashes were reportedly caused by a failure to yield the right of way. No other discernible crash patterns were identified related to geometric conditions and no apparent safety deficiencies exist.

## 4.14 Existing community and emergency services for the Project Site (schools, police and fire protection):

Education for children residing in the area will be provided by the Frontier School District, known for its commitment to high-quality education and diverse programs catering to the developmental needs of students. The Town of Hamburg Police Department is responsible for law enforcement and public safety, ensuring a secure living environment for the community.

Additionally, fire protection and emergency medical services are provided by Armour.

## 4.15 Existing historical, archaeological, or cultural resources on the Project Site:

Per the Cultural Resource Report prepared by the UB Department of Anthropology, there are not any protected historic, archaeological or cultural resources on the Project Site.[30] A review of the Cultural Resource Report was performed by Josalyn Ferguson, Ph.D. of the NYS Parks, Recreation and Historic Preservation ("SHPO") and there were no findings of any historic, archaeological, or cultural resources on the existing Project Site.[31] As such, the Project will not result in any adverse impacts on protected historic, archaeological or cultural resources.

## 4.16 Existing neighborhood character and setting:

The Town of Hamburg, NY, nestled in Erie County, harmoniously blends historical significance with natural beauty and a vibrant community spirit. Known for its scenic parks and green spaces, Hamburg invites outdoor enthusiasts to enjoy activities ranging from hiking and biking to picnicking. The Hamburg Fairgrounds, home to the esteemed Erie County Fair—one of the largest in the United States—alongside the Hamburg Gaming facility, underscore the Town's rich tradition in hosting diverse events and providing entertainment options. With roots stretching back to the 19th century, the Town's landscape is dotted with historical sites and landmarks, reflecting its evolution over the years. The shopping and dining scene thrives with a mix of stores, boutiques, restaurants, and cafes, offering a taste of local cuisine and shopping experiences. Proximity to Lake Erie enhances recreational opportunities, including boating, fishing, and swimming, enriching the town's leisure offerings. Despite its array of attractions, Hamburg retains a small-town charm, marked by a welcoming community and serene living

[30] A copy of the Cultural Resource Report produced by the UB Anthropology Department produced on April 04, 2021, is provided in **Appendix "N".**

[31] A copy of the No Impact Determination Letter issued by the NYS Parks Recreation and Historic Preservation (SHPO) June 02, 2021, is provided in **Appendix "P".**

environment, making it a balanced embodiment of nature, history, recreation, and contemporary amenities.

## 5. Evaluation of Potentially Significant Adverse Environmental Impacts:

Within the Positive Declaration issued by the Planning Board on September 15, 2021, the Planning Board determined that the proposed action may include potentially significant environmental impacts to:

- Surface water consisting of the stream corridor and wetlands;
- Plants and animals;
- Open space and ecosystems;
- Transportation;
- Consistency with the Town of Hamburg Comprehensive Plan; and
- Community character[32]
- The Planning Board also identified potential cumulative impacts with the adjoining proposed Parker Road subdivision.

Section 4.5 of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled "Evaluation Potentially Significant Adverse Environmental Impacts" set forth requirements for the evaluation of DEIS regarding the evaluation of the identified potentially significant adverse environmental impacts and stated as follows:

"This section of the DGEIS should provide a detailed discussion of the identified

[32] The relevant portion of the resolution adopted by the Planning Board during its meeting on September 15, 2021 stated as follows: "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 Hamburg Planning Board has completed part 2 of the FEAF and analyzed those impacts identified in Part 2 as potentially "moderate to large" in an expanded Part 3 document and reviewed the criteria for determining significance in accordance with Section 617.7 of SEQR and has determined the following: 1. The proposed project may have a significant adverse impact on surface water (stream corridor running through the north end of the site, and wetlands in the area). 2. The project may have a potentially significant adverse impact on plants and animals as the site contains important habitats. 3. The project may have a significant adverse impact on open space and the ecosystems of this area. 4. The project may have a potentially significant adverse impact on transportation. 5. The rezoning/ project may not be consistent with the Town's Comprehensive Plan. 6. The proposed project may have a significant adverse impact on the natural landscape and may not be consistent with the character and quality of the existing area and neighborhood."

> potentially significant adverse environmental impacts of the Project, the severity of the impacts, and the practical mitigation measures that could reduce the magnitude of identified potentially significant adverse environmental impacts. This section should also address all substantive concerns regarding potentially significant adverse environmental impacts raised during the public scoping process."[33]

The topography of the Project Site, characterized by a gentle slope which naturally drains, supports a variety of land uses and aids natural drainage, reducing environmental impacts related to stormwater management. The delineation of wetlands by Earth Dimensions, Inc., indicated a portion of the Project Site contains wetland and a tributary to Rush Creek that are subject to the jurisdiction of the United States Army Corps of Engineers due to its connection to Rush Creek.

The existing ecological environment includes a variety of terrestrial and aquatic habitats, hosting diverse species including potentially the Federally Threatened Northern Long-eared Bat and several bird species under conservation protection. This biodiversity necessitates robust environmental management to ensure the preservation of these habitats in light of development pressures.

The project area's existing infrastructure, including its lack of stormwater management systems, reliance on natural drainage, and the current status as vacant land , poses challenges for development. The land use regulations, zoning designations of R-1 and C-1, and the characteristics of surrounding developed areas provide a framework for future development.

Furthermore, the area's current traffic conditions, characterized by principal arterial roads supporting substantial daily traffic, alongside the provision of community and emergency services, underscores the need for a comprehensive approach to traffic and public service

[33] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023, is provided at **Appendix "C"** [See Page 8].

management as part of the development process. Lastly, the absence of historical, archaeological, or cultural resources on the site, as verified by the New York State Office of Parks, Recreation and Historic Preservation ("SHPO"), simplifies certain aspects of the planning process but still requires integration of the residential project into the existing neighborhood character and setting.

Overall, this section provides a foundational understanding necessary for ensuring that the development not only meets the needs of the community but also adheres to stringent environmental standards to mitigate potential adverse impacts to the maximum extent practicable.

## 5.B.1. Impacts on Land:

Section 4.5.1A of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled "Existing Conditions of the Project Site" set forth the requirements for the evaluation of potentially significant "Impacts on Land" and stated as follows:

> "This section should provide a detailed discussion of all the physical impacts the Project will have on the Project Site including, but not limited to:
>
> - Location and description of the Project Site;
> - Description of proposed infrastructure improvements;
> - Discussion of the proposed use of the Project Site;
> - Existing topography;
> - Proposed grading and fill requirements for the Project;
> - Removal of existing vegetation and topsoil;
> - Construction related impacts and procedures, including temporary impacts; and
> - Construction phasing of the project"[34]

[34] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023, is provided at **Appendix "C"** [See Page 8].

## A. Location of the Project Site:

The Project Site consists of approximately 42.5 acres of vacant land located along Big Tree Road, and is bounded by Parker Road on the east, a commercial use building to the west, Big Tree Road to the north, and residential lots to the south.

## B. Description of Proposed Infrastructure Improvements:

The preferred project layout is depicted on the Concept Site Plan prepared by Christopher Wood, P.E. of Carmina Wood Design provided at **Appendix "G2"**. The on-site infrastructure improvements that will be installed in connection with the Project consist of the following:

- A stormwater management system that will comply with the stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC")[35];
- Access aisles, parking spaces and a driveway connection to Big Tree Road, which is a NYS Highway;[36]
- Sanitary sewer and water lines that will connect to public sanitary sewer and water infrastructure located along Big Tree Road;
- Sanitary sewer and water lines that will connect to public sanitary sewer and water infrastructure located along Big Tree Road; and
- Infrastructure for utilities including electricity, internet and cable, etc.

It is important to mention that all of the necessary infrastructure improvements in connection with the Project will be privately owned and maintained at no cost to the Town of

[35] The Planning Board has requested that consideration be given to providing even a higher level of stormwater design than as required per the strict stormwater quality and quantity standards of the NYSDEC. The Project Sponsor is willing to consider this so long as it would not increase the impacts to wetlands on the Project Site or result in a downward adjustment of the density of the Project, which is only approximately 3.5 units per acre.

[36] The Concept Site Plan depicts 330 parking spaces consisting of 156 garage spaces and 174 surface spaces.

Hamburg. The installation of the necessary on-site infrastructure improvements will not result in any potentially significant adverse environmental impacts. The infrastructure improvements will be designed and depicted on the engineered plans to be prepared by Carmina Wood Design in connection with the future review of a Site Plan Application that will need to be reviewed and approved by the Planning Board. The Town's Engineering Department will need to review and approve the engineered plans along with the related technical documentation including the SWPPP and Engineer's Report and this will ensure that all infrastructure improvements comply with the applicable technical standards.

## C. Discussion of the Proposed Use of the Project Site:

The proposed use of the Project Site consists of 156 attached residential units for lease consisting of single-story and two-story buildings. The Concept Site Plan [Drawing C-100] prepared by Carmina Woods Morris DPC provided at **Appendix "G-2"** depicts the Project Sponsor's preferred layout of the Project.[37] Other proposed site improvements include the following: garage buildings, a clubhouse, a playground area, parking spaces, access aisles, a driveway connection to Big Tree Road, a stormwater management system and other infrastructure improvements. In addition, the proposed playground, the portion of the Project Site to be developed also includes land that will be available for passive recreational by future residents.

## D. Existing Topography:

The Project Site is characterized by flat to gently sloping topography with a majority of the site covered in forested lands, grasslands, water features including a tributary to Rush Creek

[37] A full-size copy of the Concept Site Plan is also included within the Appendices to this DEIS. The project layout as depicted on the Concept Site Plan is the "Preferred Alternative" for purposes of this DEIS.

that bisect the Project Site and a jurisdictional federal wetland with a size of 7.52 acres. The existing topography of the Project Site is characterized by a gentle slope ranging from 0 to 10% and there are not any steep slopes located on the Project Site. The relatively mild gradient of the Project Site is conducive to a variety of land uses, including residential development and supports natural drainage patterns. The gentle slopes facilitate the management of stormwater runoff and positively influences the design and placement of necessary infrastructure improvements and the proposed buildings to minimize environmental impact and enhance the site's natural features. There are not any potentially significant adverse environmental impacts that will result from the existing topography of the Project Site.

**E. Proposed Grading and Fill Requirements for the Project:**

The Project will physically disturb approximately 20 acres of the approximately 42.5-acre Project Site. Grading activities in furtherance of the Project Site will be needed but will not be substantial given the existing topography of the Project Site which is relatively flat. A Grading Plan will be prepared by Carmina Wood Design in connection with the future review of a Site Plan Application by the Planning Board. The Grading Plan will need to be reviewed and approved by the Engineering Department.

Provided at **Exhibit "G-1", Item 8** is a letter from Christopher Wood, P.E., to the Planning Board dated June 8, 2021, as prepared at the request of the Planning Board in response to Question 3c of Part 2 of the Full EAF stating as follows:

> "During the meeting of the Planning Board held on June 2nd a question was asked regarding the cubic yards for the proposed impact to 0.04 acres of the on-site jurisdictional federal wetlands. This question was asked in connection Question 3c of Part 2 of the Full Environmental Assessment Form which states as follows: "The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.
>
> The minor proposed wetland impact of 0.04 acre will involve the dredging of approximately 190 cubic yards of fill and this is the only proposed impact to the

> jurisdictional federal wetlands on the Project Site. As has been discussed during the meetings of the Planning Board, the United States Army Corps of Engineers will not require mitigation for the proposed minor wetland impact of 0.04 acres since the threshold for mitigation is an impact of 0.10 acres or greater."

The dredging of more than 100 cubic yards material in connection with filing of only 0.04 acres of the jurisdictional federal wetland on the Project Site is not a potentially significant adverse environmental impact. The dredged material will be repurposed on the Project Site.

F. Removal of Existing Vegetation and Topsoil:

The Project will result in changes to the existing conditions, including the removal of approximately 19.76 acres of forested lands from the site's current 30.58 acres of forests. Additionally, 2.2 acres of grasslands and meadows will also be impacted in connection with the Project. As mitigation for removal vegetation on a portion of the Project Site, approximately 20.1 acres of the Project Site will consist of permanent open space to be protected via the recording of a Declaration of Restrictions at the Erie County Clerk's Office. This mitigation measure ensure that site features on a large portion of the Project Site will be permanently preserved.

G. Construction Related Impacts and Procedures, Including Temporary Measures:

There will be unavoidable short-term impacts that will result from construction activities in furtherance of the Project resulting from the use of construction equipment, which will generate noise impacts. The construction activities will be limited daytime hours from Monday to Friday and possibility Saturdays when needed.

Construction activities will result in potential adverse erosion and drainage impacts due to physical disturbance of soils. To effectively manage these impacts, a Storm Water Pollution Prevention Plan ("SWPPP") will be prepared by Carmina Wood Design to prevent discharges of construction-related pollutants to surface waters. The SWPPP will need to be reviewed and

approved by the Town's Engineering Department prior to the commencement of any on-site construction activities. Additionally, regular SWPPP inspections will be required during construction, ensuring that the erosion control measures are functioning properly.

## H. Construction Phasing of the Project:

The construction of the Project will take place in two phases. It is anticipated that the initial phase of the Project will consist of 66 multifamily units and related site improvements. The subsequent phase will complete the construction of the remaining units, resulting in a total of 156 units. This planned phased approach allows for manageable development ensuring that the project's impact, including erosion and environmental concerns, are effectively handled throughout the entire construction process.

The proposed infrastructure improvements for the Project site are designed to enhance the overall functionality and accessibility of the residential development, ensuring it meets the required standards and community needs. These improvements will include installing new sanitary sewer, electric, gas and water lines to support the new residential buildings. Additionally, the project layout incorporates sustainable infrastructure elements such as stormwater management systems to mitigate stormwater runoff and preserve water quality. Landscaping and permanent open space to remain undeveloped are also proposed, contributing to the area's aesthetic appeal. These enhancements will not only support the new residential units but also improve the quality of life for existing and future residents by providing a well-integrated, sustainable, and accessible non-developed area constituting 20.1 acres of the Project Site.

The Project will introduce a multifamily housing project on a portion of the Project Site. This proposed residential use seeks to address local housing demand and needs by providing diverse living options to accommodate a range of residents. The development is planned to

integrate with the existing neighborhood fabric, enhancing the community's residential diversity while respecting the natural and the as-built environment. Through careful planning and design, the project aspires to create a sustainable living environment that contributes positively to the Town of Hamburg's growth and character.

## 5.B.2. Impacts on Surface Waters and Ground Water Resources:

Section 4.5.2 of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled "Impacts on Surface Water and Ground Water Resources" stated as follows:

> This section should provide a detailed discussion of the project's impact to any water resources and on drainage/ stormwater management of the site including, but not limited to:
>
> - Provide a preliminary Engineer's Report that demonstrates the ability to satisfy the NYSDEC's stringent stormwater quality and quantity standards and that demonstrates the proposed action will not result in adverse drainage impacts;
> - Location, type, and discussion of existing and proposed stormwater management facilities;
> - Describe maintenance of the required on-site stormwater management facilities;
> - Impacts to federal and all wetland areas [including non-jurisdictional wetlands];
> - Impacts to existing floodways or regulated 100-yr. floodplains;
> - Any temporary impacts to surface waters due to construction activities;
> - Impacts to ground water resources; and
> - Coordinate with the Hamburg CAB on protection of the creek and its watershed in this area,[38]

[38] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023, is provided at **Appendix "C"** [See Pages 8-9].

## A. Stormwater Management System Description and Requirements:

A stormwater management system will be installed on the Project Site that will comply with the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001 and the Town of Hamburg. The fully engineered plans, Engineer's Report and SWPPP for the project to be prepared by Carmina Wood Design will need to be reviewed and approved by the Town Engineer in connection with the future review of a Site Plan Application. This is required prior to the commencement of any on-site construction activities.

Christopher Wood, P.E. of Carmina Wood Design has prepared a comprehensive Stormwater Summary Letter dated April 18, 2024, for the purpose of describing the stormwater management system to be installed in connection with the Project to ensure that runoff from impervious surfaces will not result in potentially significant adverse impacts.[39] This letter states as follows:

"This letter has been prepared for the purpose of providing the Planning Board with a summary of the manner by which runoff from impervious surfaces on the Project Site will be properly handled. In connection with the coordinated environmental review of the proposed multifamily project pursuant to SEQRA, questions have been raised regarding potential stormwater impacts. As a result of the need to install an on-site stormwater management complying with the stringent applicable standards, the proposed project will not result in any potentially significant adverse stormwater impacts.

In connection with the Planning Board's evaluation of potential stormwater runoff impacts, it is important to mention that the Engineer's Report to be prepared by our firm will provide calculations that confirm that the storm water management system to be constructed as part of the multifamily project will comply with the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC") SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001 and the Town of Hamburg. The fully engineered plans, Engineer's Report and SWPPP will need to be reviewed and approved by the Camie Jarrell, P.E., of GHD and the Town's

[39] A copy of the comprehensive Stormwater Summary Letter dated April 18, 2024, prepared by Christopher Wood, P.E. of Carmina Wood Design is provided at **Appendix "J"**.

Engineering Department in connection with the future Site Plan Application review process prior to the commencement of any on-site construction activities.

The following sections of this letter provide a summary of the manner by which runoff from the impervious surfaces within the project will be handled.

I. Storm Water Design Narrative:

A storm water collection system is proposed for the impervious surfaces including the driveway connection to Big Tree Road, access aisles, parking spaces and the proposed multifamily buildings and clubhouse. This system will consist of catch basins placed on the Project Site to collect runoff from impervious surfaces. The proposed catch basins will be connected by a series of storm pipes which will convey the runoff to the storm water management areas. The storm water management areas will be designed in accordance with the New York State Department of Environmental Conservation ("NYSDEC") Stormwater Management Design Manual. These areas will provide both water quality and water quantity storage components.

The existing drainage path of the Project Site runoff under existing conditions is generally towards the ditch that crosses the site from east to west. In the developed condition, any developed areas will be conveyed to the storm water management area and ultimately discharge to the existing ditch. This will prevent water from the developed areas of the site from sheet draining offsite. The discharge from the storm water management area will be controlled by our engineered outlet control structures to not exceed the current existing rate of runoff to the existing ditch under all storm events which include the 10 year, 25 year & 100 year storm events.

Detention System:

The proposed storm water management area will consist of bioretention areas followed by dry detention basins which will provide runoff reduction, volume attenuation and water quality treatment. The Concept Plan for the proposed multifamily project prepared by our firm shows the storm water management areas located along the existing ditch on the north and south sides. These locations will maintain the general drainage paths, similar to existing conditions. These storm water management areas will be designed based on applicable stringent standards to ensure they provide adequate stormwater runoff capacity.

The NYSDEC Stormwater Management Design Manual requires (5) five different criteria be considered when designing a storm water management system.

Those criteria are Water Quality, Runoff Reduction Volume, Channel Protection, Overbank Flooding and Extreme Storm Protection. Below is a summary of each item and how it will be incorporated into the proposed multifamily project.

Water Quality:

The NYSDEC requires water quality treatment prior to discharge. The goal of the design will be to achieve 100% of the water quality volume requirement by applying a practice recognized in

the design manual, a Standard SMP with Runoff Reduction capacity. Standard SMP's include bioretention which will be incorporated into this project.

Runoff Reduction Volume:

As stated above, the goal is for the total water quality volume for the site to be reduced by the implementation of a Standard SMP used to achieve the Water quality requirement. The design methodology will be based on the NYSDEC Stormwater Management Design Manual five-step process for Stormwater Management Planning as outlined in Chapter 3.

This project will incorporate several Runoff Reduction techniques such as:

- Preservation of natural resources;
- Implementation of riparian buffers; and
- Tree planting Channel Protection:

The NYSDEC requires that extended detention be provided for the proposed 1- year storm event. The storage volume will be accommodated in the proposed storm water management areas and the outlet will be restricted through the use of an engineered outlet structures designed in accordance with NYSDEC criteria.

Overbank Flooding:

The NYSDEC requires that the 10-year proposed storm event be attenuated with detention and that the outlet be restricted to the 10-year existing storm event. The storage volume will be accommodated in the proposed storm water management areas and the outlet will be restricted through the use of an engineered outlet structures designed in accordance with NYSDEC criteria.

Extreme Storm Protection:

The NYSDEC requires that the 100-year proposed storm event be attenuated with detention and that the outlet be restricted to the 100-year existing storm event. The storage volume will be accommodated in the proposed storm water management areas and the outlet will be restricted through the use of an engineered outlet structures designed in accordance with NYSDEC criteria.

Design Criteria:

Storm pipes: 10-year storm

Detention: Designed to contain the 1-year, 10-year, 25-year, 50-year and the 100-year 24-hour design storms for the post-development peak rates of runoff, while restricting the outflow rate equal to the 1-year, 10-year, 25-year, 50-year and the 100-year 24-hour design storms for the pre-development peak rates of runoff respectively.

In accordance with Town of Hamburg and NYSDEC requirements a Notice of Intent and Stormwater Pollution Prevention Plan ("SWPPP") will be prepared for the proposed project due to the total disturbance of greater than one (1) acre.

As demonstrated by the above overview, the proposed multifamily development will include storm water management improvements per the applicable stringent standards of both the Town of Hamburg and the NYSDEC. This will ensure that the project will not result in any potentially significant drainage or flooding impacts.

II. Conclusion:

As outlined in detail above, the installation of an on-site stormwater management system complying with the applicable stringent stormwater quality and quantity standards as described above, ensures the proposed multifamily project will not result in any potentially significant adverse drainage impacts.

The fully engineered plans, Engineer's Report and SWPPP will need to be reviewed by the GHD, the Town Engineering Department and involved agencies to confirm compliance with the applicable stormwater quality and quantity standards of the NYSDEC.

## B. Maintenance of Stormwater Management System:

A comprehensive monitoring and maintenance program will be established to ensure the long-term functionality of the on-site stormwater management infrastructure. This program will include regular inspections to identify any necessary maintenance actions. Monitoring efforts will focus on measuring the effectiveness of each system in reducing pollutant loads and managing runoff, with adaptive management strategies in place to respond to changing conditions or unanticipated impacts.

In connection with the Project, a Stormwater Management Agreement will be recorded at the Erie County Clerk's Office to ensure proper long-term maintenance of the on-site stormwater management system. A summary of the Post Construction Operation & Maintenance Procedures for the on-site stormwater management system as prepared by Christpoher Wood, P.E. of Carmina Wood Design is provided below as follows:

1. On a quarterly basis, perform the following:

a. Inspect catch basins, storm piping and detention basin for debris.
b. Inspect catch basins and storm piping for accumulation of sediment.
c. Remove and properly dispose of any collected debris from structures.
d. Flush storm sewers with water, if necessary to remove accumulated sediment.
e. Inspect grasses/landscaped areas for unvegetated areas or areas with less than 80% healthy stand of grass and reseed and mulch as necessary. Water areas daily if reseeded through July and August.

2. Maintain all lawn areas by regular mowing, including the grassed slopes of the wet pond and grassed swale. Any eroded areas shall be re-graded, seeded and mulched immediately.

3. The detention basin shall be inspected annually.

4. The proposed bioretention area is to be maintained as required by the New York State Stormwater Management Design Manual and as a component of the property landscaping and shall be maintained on a regular basis. Mulching, weeding and plant replacement shall occur on an annual basis. Sediment must be removed when accumulation depth exceeds one inch. Any erosion of the bioretention berm must be repaired as soon as possible to prevent diversion around the bioretention area.

As a result of the requirement for the on-site stormwater management system to comply with the applicable stringent stormwater quality and quantity standards, the Project will not result in any potentially significant environmental drainage impacts.

## C. Impacts to Federal Wetlands and All Wetland Areas [including non-jurisdictional Wetlands]:

The wetland delineation performed by Earth Dimensions, Inc. indicated that the United States Army Corps of Engineers has jurisdiction over 7.52 acres of the 11 acres of wetlands located on the Project Site, due to the on-site tributary to Rush Creek having, which flows westerly through the northern portion of the site and is classified as a Class C stream by NYSDEC

standards.[40]

The non-jurisdictional wetlands on the Project Site are described on Pages 12-13 of the Wetland Delineation Report prepared by Earth Dimensions, Inc. as follows:

> Wetland W2 is a 0.11± acre scrub-shrub swamp dominated by eastern cottonwood (*Populus deltoides*), red maple (*Acer rubrum*), silky dogwood (*Cornus amomum*), purple loosestrife (*Lythrum salicaria*) and common rush (*Juncus effusus*). Soils within wetland W2 are mapped as Fluvaquents & Udifluvents and had a topsoil color of 10YR4/2 with 10% 10YR5/8 mottles and a subsoil color of 10YR5/1 with 10% 10YR5/8 mottles. The texture is silt loam and silty clay loam. This soil fits the NRCS F3 indicator (Depleted Matrix). Hydrology indicators present in Wetland W2 included surface water (A1), high water table (A2), saturation (A3) and Water-Stained Leaves (B9). It is EDI's professional opinion that Wetland W2 has no apparent connection to Rush Creek and is nonjurisdictional under Section 404.
>
> Wetland W3 is a 0.15± acre scrub-shrub swamp dominated by green ash (*Fraxinus pennsylvanica*), silky dogwood (*Cornus amomum*), sensitive fern (*Onoclea sensibilis*) and woolgrass (*Scirpus cyperinus*). Soils within wetland W3 are mapped as Niagara silt loam and had a topsoil color of 10YR4/1 with 3% 10YR5/8 mottles and a subsoil color of 2.5Y5/1 with 7% 2.5Y5/8 mottles. The texture is silt loam. This soil fits the NRCS F3 indicator (Depleted Matrix). Hydrology indicators present in Wetland W3 included high water table (A2) and saturation (A3). It is EDI's professional opinion that Wetland W3 has no apparent connection to Rush Creek and is non-jurisdictional under Section 404.
>
> Wetland W4 is a 3.26± acre hardwood swamp dominated by shagbark hickory (*Carya ovata*), silver maple (*Acer saccharinum*), pin oak (*Quercus palustris*), gray dogwood (*Cornus racemosa*), reed canarygrass (*Phalaris arundinacea*), upright sedge (*Carex stricta*) and fowl mannagrass (*Glyceria striata*). Soils within wetland W4 are mapped as Niagara silt loam and had a topsoil color of 2.5Y4/1 with 5% 2.5Y5/8 mottles and a subsoil color of 2.5Y5/1 with 30% 2.5Y5/8 mottles. The texture is silt loam and silty clay loam. This soil fits the NRCS F3 indicator (Depleted Matrix). Hydrology indicators present in Wetland W4 included high water table (A2), saturation (A3) and Water-Stained Leaves (B9). It is EDI's professional opinion that Wetland W4 is Federally jurisdictional under Section 404 due to apparent connectivity to Rush Creek.

On May 13, 2021, the United States Army Corps of Engineers issued a Jurisdictional

[40] Earth Dimensions, Inc. prepared a Wetland Delineation of the Project Site dated June 11, 2020. A copy of the Wetland Delineation Report is provided at **Appendix "L."**

Determination stating that there are 7.52 acres of jurisdictional wetlands located on the Project Site and that 1,153 linear feet of a tributary to Rush Creek are subject to federal jurisdiction.[41]

The Project will result in a minor impact of only 0.04 acres to the approximately 7.52 acres of jurisdictional federal wetlands on the Project Site.[42] A copy of the Nationwide Permit issued by the United States Amry Corps of Engineers authorizing impacts to 0.04 acres of the approximately 7.52 acres of jurisdictional wetlands on May 11, 2023 is provided at **Appendix "R"**. The Project will only result in minor impacts to the non-jurisdictional federal wetland area on the Project Site consists of impacting Wetland 3 consisting of 0.15 acres and potential impacts to 0.10 acres or less of the northernmost portion of Wetland 4 with a size of 3.26 acres resulting from necessary grading activities.

Mitigation for the minor wetland impact of 0.04 acre of the jurisdictional federal wetland is not required per the standards of the United States Army Corps of Engineers ("USACE") since the wetland impact is limited to less than 1/10$^{th}$ of a 1 acre. The remaining 7.48 acres of jurisdictional federal wetlands located on the Project Site that will not be impacted and nearly all of the non-jurisdictional wetland areas will be permanently protected through a recording of a Declaration of Restrictions at the Erie County Clerk's Office.

Avoidance of the minor impact of 0.04 acres of the approximately 7.52 acres of

[41] A copy of the Jurisdictional Determination issued by the United States Army Corps of Engineers dated May 13, 2021, is provided at **Appendix "M"**.

[42] The Project Sponsor's effort to minimize wetland impacts to the maximum extent practicable is demonstrated by the fact the proposed project as originally presented to the Planning Board included an eighteen (18) lot residential subdivision for detached single-family homes that would include a public roadway connecting to Wilson Drive. The previously proposed project would have resulted in a wetland impact of 0.30 acres. However, based on input received from the Planning Board and nearby residents, the previously proposed residential subdivision was eliminated such that the project will result in only 0.04 acre of wetland impacts and will include approximately 20.1 acres of Permanent Open Space.

jurisdictional federal wetlands on the Project Site and the proposed minor impacts to non-jurisdictional wetlands is not feasible due to the need to provide a properly located and sized stormwater management area and necessary grading activities in furtherance of the Project. Additionally, the USACE has authorized the impact to 0.04 acres of the jurisdictional federal wetlands and 40 linear feet of the tributary of Rush Creek via the issuance of a Nationwide Permit No. 29 on May 11, 2023.[43]

D. Impacts to Existing Floodways or Regulated 100-yr Floodplains:

There is not any regulated floodway located on the Project Site. A small area of the Project Site consists of the 100-year floodplain associated with the tributary to Rush Creek. The Project will not result in any development within the 100-year floodplain. The Project Sponsor will be enhancing the on-site portion of the tributary to Rush Creek via the riparian buffer to be established for the tributary to Rush Creek, which will have a width of 25 ft. on each side and will include substantial plantings consisting of 81 trees [5 types] and 66 shrubs [3 types].[44]

E. Any temporary impacts to surface waters due to construction activities:

This topic is addressed above in Section 5.B.2(A) of this DEIS.

F. Impacts to ground water resources:

The risk of adverse groundwater or soil contamination resulting from the Project is low. Preliminary site assessments have not identified the presence of hazardous materials that would pose a risk of significant environmental contamination. Standard construction protocols will be implemented to prevent any potential minor contamination that could result from the

[43] A copy of the Jurisdictional Determination issued by the United States Army Corps of Engineers dated May 13, 2021, is provided at **Appendix "M"**.

[44] A copy of the letter from Sean Hopkins, Esq. to Sarah desJardins dated September 9, 2021, with Exhibits 1 and 2, consisting of the Riparian Buffer Plan dated September 9, 2021 and the Method of Riparian Buffer Design as prepared by Earth Dimensions Inc. dated September 9, 2021 is provided at **Appendix "K"**.

operation of construction equipment during construction activities.

**G. Coordinate with the Hamburg CAB on protection of the creek and its watershed in this area:**

To date, the Project Sponsor has not received any input from the Town's Conservation Advisory Board regarding the proposed mitigation measures to be implemented to ensure the protection of the Rush Creek tributary and the watershed. The proposed 50 ft. wide riparian buffer to be implemented as a mitigation measure reflects input received from the Planning Board during the coordinated environmental review of the Project pursuant to SEQRA.

## 5.B.3. Impacts on Plant and Animals:

Section 4.5.3 of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled "Impact on Plants and Animals" stated as follows:

> "This section should provide a detailed discussion of the potential impacts of the proposed project on plants and animals including any endangered, threatened, or special concern species. This section should also include any impacts related to the Northern Long Eared Bat (NLEB) and its new designation."[45]

The Part 1 of the Full Environmental Assessment Form ("Full EAF") (See **Appendix "A"**) responses for the proposed project identified no federally or state-listed endangered or threatened species within the project area, suggesting minimal ecological disruption.[46]

A comprehensive Habitat Assessment Report was prepared by Earth Dimensions, Inc. ("EDI") to investigate the wildlife and plant species that could be affected due to the alterations of the proposed action.[47]

The Project will result in the development of a portion of the Project Site but there will be

[45] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023, is provided at **Appendix "C"** [See Page 9].

[46] A copy of Part 1 of the Full Environmental Assessment Form is provided at **Appendix "A"**.

[47] A copy of the Habitat Assessment Report prepared by Earth Dimensions; Inc. dated November 15, 2021, is provided at **Appendix "O"**.

approximately 20.1 acres of Permanent Open Space (including 7.48 acres of jurisdictional federal wetlands to not be impacted) that will continue to provide suitable habitat for typical suburban species.[48] It is important to mention that the conclusions drawn from the Habitat Assessment Report support the responses to Questions E2n, E2o and E2p of Part 1 of the Full EAF, which was prepared by utilizing the EAF Mapper on the NYSDEC website indicated as follows:

1. The Project Site does not contain a designated significant natural community.
2. The Project Site does not contain any species of plant or animal that is listed by the federal government or NYS endangered or threatened, nor does it contain any areas identified as habitat for an endangered or threatened species.
3. The Project Site does not contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern.

The Full EAF determined that, given that none of the categories of protected resources set forth above exist on the Project Site and that approximately 20.1 acres of the Project Site will consist of Permanent Open Space to remain permanently undeveloped that will provide suitable wildlife habitat for typical suburban species, the Project will not result potentially significant adverse environmental impacts on plants and animals.

The Habitat Assessment Report identified a variety of animal species within the project area, including the Federally Threatened Northern Long-eared Bat ("NLEB"). Although no

[48] The approximately 20.1 acres of the Project Site consisting of permanent open space to be protected via the recording of a Declaration of Restrictions at the Erie County Clerk's Office is an important mitigation measure. The Project Sponsor is also willing to convey a conservation easement to the Town for the permanent open space if the Town is interested in being conveyed a conservation easement.

threatened or endangered species were identified by the NYSDEC adjacent to the Project Site, the United States Fish and Wildlife Services ("USFWS") recognized seven bird species under protection acts due to conservation concerns. Documented wildlife included white-tailed deer, raccoon, cotton-tail rabbits, and several bird species common to Erie County, indicating a diverse but not critically endangered ecosystem which is common to Western New York.

The Habitat Assessment Report also identified a diverse array of plant communities, including successional shrubland, northern hardwoods, pine-northern hardwoods, scrub-shrub swamp, and hardwood swamp communities. These communities host a variety of species such as red pine, tatarian honeysuckle, white ash, and sugar maple, among others. The report indicates a rich ecological setting, though deemed of low ecological quality and common in Western New York.

The conclusion of the Habitat Assessment Report by EDI indicate that the Project's environmental impact on will be minimal. Despite identifying habitats for certain species like the NLEB, the overall quality and extent of these habitats are low and very common across western New York. The comprehensive analysis conducted by EDI underscores that the Project will not significantly disrupt regional wildlife, given the nature of the habitat being altered. Recommendations for tree clearing within specific times of the year aim to mitigate any potential impact on sensitive species, such as the NLEB, demonstrating a careful approach to balancing development with environmental preservation.[49]

[49] The Project Sponsor will comply with the requirements of the United States Fish & Wildlife Services in terms of tree removal activities. On November 29, 2022 the U.S. Fish and Wildlife Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The bat faces extinction due to the range-wide impacts of white-nose syndrome, a deadly disease affecting cave-dwelling bats across the continent.

## 5.B.4. Impacts on Transportation:

Section 4.5.4 of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled "Impact on Transportation" set forth the requirements for the evaluation of potentially significant traffic impacts and stated as follows:

> This section should provide a detailed discussion and analysis of potential traffic impacts and shall include a summary of the Traffic Impact Study ("TIS") prepared by SRF Associates, that also includes an analysis of the potential traffic impacts of the proposed Parker Road residential subdivision. This section should identify all potential impacts that the Project will have on the transportation system including but not limited to:
>
> - Traffic projections for the proposed project:
> - Information on proposed trip generation and distribution and intersection operations;
> - Discussion of proposed vehicular access to the Project Site;
> - The TIS may need to be updated based on its age and to accommodate additional information from the new Bills stadium study and to reflect cumulative impacts from the adjoining proposed subdivision."[50]

The Planning Board has determined that the Project will create a potentially significant traffic impact due to an increase in traffic volumes on the roadways in the vicinity of the Project Site.

The traffic projections for the Project and the unrelated residential subdivision on Parker Road proposed by David Manko were prepared by SRF Associates based on the Trip Generation, 10th Edition (2017) by the Institute of Transportation Engineers (ITE).[51] The trip projections indicate the amount of traffic to be generated by both projects during the weekday AM and PM

[50] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023 is provided at **Appendix "C"** [See Pages 9-10].

[51] A complete copy of the Traffic Impact Study prepared by SRF Associates dated April 2, 2021, is provided at **Appendix "I".**

peak travel periods.

For the proposed multifamily project consisting of 156 units, peak hour AM weekday projections consist of 17 vehicles entering and 56 vehicles exiting, while PM weekday peak hour projections has 55 vehicles entering and 33 vehicles exiting. The David Manko residential subdivision consisting of 67 lots will have 13 vehicles entering and 39 vehicles exiting during AM peak hour, and 43 vehicles entering and 26 vehicles exiting during PM peak hour.

The proposed projects will alter local traffic patterns during the weekday peak hours. With an estimated 30 entering and 95 exiting vehicle trips in the AM peak hour, and 98 entering and 59 exiting in the PM peak hour, the analysis underscores the need for careful planning in terms of trip distribution and intersection operations. The study suggests that traffic flow is influenced by several factors including proximity to employment, commercial centers, schools, and the strategic placement of site access driveways, alongside pre-existing traffic conditions and controls.

The detailed traffic analysis across seven intersections in the study area surrounding the proposed multifamily and single-family projects indicates overall manageable traffic impacts with minor LOS changes under full build conditions. Specifically, Southwestern Blvd/Big Tree Road and Big Tree Road/Abbott Road maintain satisfactory LOS, with minor changes that do not warrant improvements. Similarly, the intersections at Parker Road show all movements comfortably within acceptable LOS, indicating the existing transportation network can adequately handle the additional projected traffic. Notably, the Traffic Impact Study recommends restriping for a two-way left-turn lane at Big Tree Road's Proposed Multifamily Westerly Driveway to enhance access, highlighting an efficient approach to accommodating increased traffic volumes.

The investigation into left turn lane warrants at the Big Tree Road/Proposed Multifamily

Driveways, based on NCHRP Report 279, suggests specific considerations for peak traffic conditions. For the Easterly Driveway, PM peak hour volumes justify a westbound left turn lane, with 22 vehicles per hour indicating notable traffic but not necessitating AM modifications. Conversely, the Westerly Driveway does not meet the volume warrants for a left turn lane during either peak period, highlighting a tailored approach to intersection design based on detailed traffic analyses.

The Traffic Impact Study for the proposed residential projects concluded that the existing transportation network can accommodate the projected traffic increases without significant adverse impacts, with the implementation of the recommended improvements. Key points include satisfactory existing safety conditions, specific left-turn lane needs at driveways on Big Tree Road, and the overall capability of the current network to handle additional traffic from the developments. The study supports the conclusion that the residential projects, individually and cumulatively, will not significantly impact traffic in the study area.

The new Buffalo Bills stadium is currently under construction. It is important to consider its future impact on traffic patterns. However, with the planned reduction in capacity from approximately 71,000 to 62,000 seats, there will be a decrease in traffic on game days. The reduction in traffic due to the smaller stadium capacity ensures that the Traffic Impact Study prepared by SRF Associates remains relevant and accurate.

## 5.B.5. Impacts on Energy and Utility Facilities:

> Section 4.5.5 of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled “Impact on Energy/Utility Facilities” set forth the requirements for the evaluation of potentially significant energy and utility impacts and stated as follows:
>
> This section should provide a detailed discussion of the potential impacts of the Project on the utility system and whether capacity exists for this project including, but not limited to:

- Proposed energy usage, projected water demand figures, and projected sanitary sewer calculations;
- Impacts to the existing stormwater and sanitary sewers and water;
- Emergency access requirements;
- Location and description of all on-site and off-site utility improvements.
- Public water evaluations should be coordinated with ECWA, and public sewer issues coordinated with the County Sewer district.[52]

The proposed project's energy usage encompasses on-site lighting designed to be compliant with the Town of Hamburg Zoning Code standards and dark sky requirements, ensuring minimal lighting impacts and no lighting spillover onto adjacent properties. Additionally, the daily energy usage for the residential project will be influenced by the needs of the tenants 156 residential units, factoring in standard living utilities and amenities. It is not anticipated that the Project will require any upgrades to the existing energy grid.

The Project will tie into the existing 8-inch sewer along Big Tree Road within Erie County Sewer District No. 3. The Downstream Sanitary Sewer Capacity Analysis ("DSCA") provided projected water demand and sanitary calculations for the 156-unit project.[53] The analysis indicates a daily sanitary demand of 34,320 gallons per day ("gpd"), with a peak demand of 139,095 gpd. To meet NYSDEC's 4:1 offset flow rate requirement, the project will need to handle 368.4 gallons per minute ("gpm"), necessitating the replacement of 13 sewer laterals, each capable of handling 30 gpm, to adequately accommodate the increased sanitary sewer demand during wet weather conditions.

The sanitary sewer flow analysis across three nodes—Big Tree Road, Milestrip Road, and

[52] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023 is provided at **Appendix "C"** [See Page 10].

[53] A copy of the Downstream Sanitary Sewer Capacity Analysis (DSCA) by Christopher Wood, P.E. of Carmina Wood Morris dated January 5, 2021, is provided at **Appendix "H"**.

McKinley Parkway, demonstrates that existing and projected peak sanitary sewer flows from the proposed developments are well within the capacities of the respective sewer lines. Each node, with diameters of 10-inch, 24-inch, and 42-inch, shows that the current sanitary sewer infrastructure can accommodate the additional flows from the multifamily and single-family projects without exceeding limits, ensuring the system's adequacy to handle the development's sanitary sewer demands.

The projected daily demand for water to be provided by the Erie County Water Authority ("ECWA") is 40,040 gallons per day. ECWA has been an involved agency for the purposes of the coordinated environmental review of the Project and has not advised the Planning Board of any concerns regarding the ability to provide water services for the Project.

It is also important to mention that the project layout has been designed to comply with the emergency access standards contained in Appendix D of the NYS Fire Code.

## 5.B.6. Noise and Odor Impacts:

Section 4.5.6 of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled "Noise and Odor Impacts" set forth the requirements for the evaluation of potentially significant noise and odor impacts and stated as follows:

> "This section should provide a discussion on the noise and odor impacts anticipated from this project including, but not limited to:
>
> - All potential noise and odor sources associated with construction activities in furtherance of the Project."[54]

It is acknowledged that temporary, unavoidable noise impacts will result from construction activities. The temporary noise impacts from construction are primarily due to machinery, land clearing, and construction activities necessary for development of the Project

[54] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023 is provided at **Appendix "C"** [See Page 10].

Site.

## 5.B.7. Impacts on Public Health:

Section 4.5.6 of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled "Impact on Public Health" stated as follows:

> "This section should provide a detailed discussion of how the public health, safety, and welfare of the neighborhood will be impacted by the proposed project including, but not limited to impacts to vehicular and pedestrian safety."[55]

The Project will not result in any potentially significant adverse impacts to the public health, safety and welfare of the neighborhood for numerous reasons including the fact that the Project will be required to comply with the standards contained in the Zoning Code for new multifamily buildings, landscaping, lighting, etc. as well as the applicable technical standards for the stormwater management system and the on-site private infrastructure improvements including on-site sanitary sewer and water improvements. The Project will require Site Plan Approval from the Planning Board based on the submission of engineered plans and supporting technical documentation for review and approval by the Town's Engineering Department. Impacts related to traffic to be generated by the Project are evaluated above in Section 5.B.4 of this DEIS.

## 5.B.8. Impacts on Growth and Character of the Community or Neighborhood:

Section 4.5.8 of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled "Impact on Growth and Character of the Neighborhood or Community" stated as follows:

> "This section should provide a detailed discussion regarding the manner by which the project fits into the context of the surrounding area and how it will impact the character of the community including, but not limited to:

[55] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023 is provided at **Appendix "C"** [See Pages 9-10].

- A description of how the changes in land use on the Project Site will impact the surrounding neighborhood;
- A summary of how activities on the Project Site, such as construction activities, lighting, odors, noise, etc., will impact nearby residential uses;
- Consistency of the Project with the Comprehensive Plan and the goals of the community;
- How the project fits or is impacted by the proposed new Bills stadium;
- The consistency of the Project with the applicable standards contained in the Town of Hamburg Zoning Code;
- Impacts on community services such as fire and police protection, schools, parks & recreation, etc.;
- Potential impacts and accommodation of snowmobile trails in this area;
- Impact on local government finances and tax revenues;
- How the Project could potentially impact future development trends in the Town; and,
- Any public funds to be used for this project or any improvements related to the Project."[56]

## A. Description of how the Changes in Land Use on the Project Site will Impact the Surrounding Neighborhood:

The Project, which involves the rezoning of a portion of the Project Site from C-1 Local Retail Business District and R-1 Single Family Residence District to R-3 Multifamily District, will introduce denser residential development compared to existing conditions since the Project Site currently consists of vacant land. The proposed change in the land use of approximately 22.4 acres of the 42.5-acre Project Site from vacant land into a multifamily project will not result in any potentially significant adverse impacts on the surrounding neighborhood. The property to

[56] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023 is provided at **Appendix "C"** [See Page 11].

the south of the Project Site consists of a residential subdivision that includes single-family homes on individual lots located on the north side of Wilson Drive. The Project Site includes land fronting on Wilson Drive that was left in place for future roadway connections to the Project Site.

Development of the Project Site pursuant to the Preferred Alternative layout will result in approximately 20.1 acres of the Project Site consisting of permanent open space to be protected via the recording of a Declaration of Restrictions at the Erie County Clerk's Office. The closest a residential building on the Project Site will be to the rear boundary of a lot with a single-family home on the north side of Wilson Road will be two hundred feet.[57]

The Project Sponsor's commitment to preserve the relevant 20.1 acres of the Project Site, including the portion of the Project Site adjacent to single-family homes on the north side of Wilson Drive, is a mitigation measure that minimizes the impacts on changes in the land use on a portion of the Project Site on the surrounding neighborhood.

[57] It is important to mention that the Project Sponsor has also proposed zoning conditions to ensure the Project will not result in potentially significant impacts on the surrounding neighborhood as follows: 1.) The Applicant shall convey a Conservation Easement to the Town of Hamburg for the 20.1 acres of Permanent Open Space of the Project Site to remain zoned R-1 Single-Family Residence District ("R-1"). The content of the Conservation Easement shall be reviewed and approved by the Town Attorney's Office prior to recording at the Erie County Clerk's Office; 2.) A Declaration of Restrictions shall be recorded at the Erie County Clerk's Office. The Declaration of Restrictions shall include language expressly stating there shall not be any buildings, roadways or driveways constructed within the Permanent Open Space including any roadway or driveway connections to the portions of the Project Site with frontage on Wilson Road. The content of the Declaration of Restrictions shall be reviewed and approved by the Town Attorney's Office prior to recording at the Erie County Clerk's Office. 3.) There shall not be any buildings located on the portion of the Project Site to be rezoned R-3 Multifamily District ("R-3") located within two hundred feet (200') of the rear property line of the existing residential lots on Wilson Road; and 4.) The on-site stormwater management to be installed in connection with the residential project shall comply with the stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC") including the handling of a 100 yr. storm event. Verification of compliance this condition shall occur in connection the future review of a site plan application for the proposed residential project. See

## B. Summary of how Activities on the Project Site, such as Construction Activities, Lighting, Odors, Noise, etc., will Impact Nearby Residential Uses:

The necessary construction activities in furtherance of the Project will not result in any potentially significant adverse impacts on nearby residential uses including the homes located on the north side of Wilson Drive. The construction impacts will be limited to unavoidable noise impacts that will result from the operation of construction equipment during daytime hours.[58] Construction access will be limited to Big Tree Road only and the two portions of the Project Site with frontage on Wilson Drive will not be utilized for construction access or for access to the Project upon completion of construction activities.

Lighting will be installed on the portion of the Project Site to be developed but the lighting will dark sky compliant as required by the Zoning Code and there will be any lighting spillover onto adjacent properties.[59]

The Project will not result in any adverse drainage impacts on nearby residential uses since the on-site stormwater management system will comply with the applicable stringent NYSDEC stormwater quantity standards including the need for the system to handle a 100 yr. storm event. No runoff from impervious surfaces will be conveyed onto nearby residential uses.

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[58] Chapter 175 of the Town of Hamburg Town Code is the Noise Ordinance and Section 175 titled "Prohibitions" states as follows; A. The creation of any unnecessary and unreasonably loud or disturbing noise is prohibited as a public nuisance. B. Noise of such character, intensity and duration as to be detrimental to the life, health or welfare of the inhabitants of the Town of Hamburg is prohibited as a public nuisance. C. In particular, without excluding other types of prohibited sounds by failure to enumerate them, all sleep-disturbing noises are prohibited. Sleep-disturbing noises shall mean any unnecessary and unreasonably loud or disturbing sounds occurring during the hours between 11:00 p.m. and 7:00 a.m. and unreasonably interfering with the sleep, comfort, health and repose of any individual within hearing thereof or in the vicinity.

[59] In connection with the Site Plan Application review process, the Project Sponsor will be required to submit a Photometric Plan demonstrating compliance with the stringent lighting standards contained in the Zoning Code.

## C. Consistency of the Project with the Comprehensive Plan and the Goals of the Community:

The Town of Hamburg most recently updated its Comprehensive Plan in 2022. The Comprehensive Plan was adopted to not only address the zoning issues of the community but many of the other factors that could affect the residents' day to day life and the community's vision for the future.

The Comprehensive Plan includes recommendations and guidance for the future, and a strategy to ensure that the Plan is implemented.

The Project has been evaluated to determine its consistency with the goals and objectives of the Town's Comprehensive Plan. Chapter 2 (The Plan), Section A (Where We Live: Strong Neighborhoods) of the Comprehensive Plan summarizes the public comments about the Town of Hamburg in general. The key issues identified by the respondents included the following:

- A need for housing that meets the needs of all the citizens of the Town – housing for all.
- Targeted growth areas.
- Controlled rate of growth – sustainable.
- Development that respects the environmental and character issues of the Town and its neighborhoods.
- Development that "pays for itself"

The subsections within Section A focus on specific public comments on the hamlets, neighborhoods, and other community places in the Town. These subsections of the Comprehensive Plan examine existing conditions, assets, and constraints, with discussions focused on the vision, goals, and themes that were identified through data analysis and what

was heard from the public throughout the planning process. This section of the Comprehensive Plan also included recommendations that provide more specific actions that can be implemented to achieve a vision for the future. The Comprehensive Plan indicates that throughout these hamlets and neighborhoods, there exists a diverse range of housing and through the Town's existing laws, including an affordable housing law, the Town will continue to promote housing that is truly for all.

The Parker Road Area is one the hamlets/neighborhoods/community places discussed in the Plan. The discussion of the Parker Road Area as it appears in the Comprehensive Plan states as follows:

> Parker Road Area
>
> Parker Road is located west of Abbott Road, between Big Tree Road and Bayview Road. The area around this roadway offers some unique opportunities and challenges for the Town. Located near the Orchard Park border, it has vestiges of its agrarian past and a rural feel, but it also includes residential subdivisions that have been built over the last couple of decades. It is also located near some commercial corridors (and Highmark Stadium) and continues to see development pressure.
>
> Key Issues/Objectives:
>
> - Employ the principles of "Context Sensitive Design" to Parker Road (to maintain its character).
> - Maintain the rural character of the area.
> - Consider zoning modifications for the lands surrounding Parker Road.
> - Protect the established residential areas from the impacts of non-compatible development patterns through zoning modifications.
> - Protect and enhance the environmentally sensitive features of the area.
> - Any future development should be creatively designed and avoid standard road frontage/strip development lots and development characteristics.
> - Improve walkability and bicycle access.

- Plan for the potential impacts from redevelopment of the future Buffalo Bills Stadium site.

Recommendations (not listed in order of priority):

a) Create a zoning overlay or new zoning category for this area that reflects the above key issues and objectives.

b) Do not approve any residential rezoning that would allow for greater development densities (cluster development would be allowed to meet the goals of the area).

c) Create a Context Sensitive Design plan for Parker Road.

d) As part of the context sensitive design, incorporate pedestrian and bicycle access.

e) Carefully follow the planning for the new Stadium and help to address impacts to this area.

f) Consider sites for rezoning to the proposed new AG zoning district (see AG section of the plan and appendix for draft zoning district).[60]

The proposed use of the Project Site as a multifamily project with is consistent with the zoning and land use mapping prepared for the Town of Hamburg 2022 Comprehensive Plan. The Project will change the character of the site, converting it from vacant land to the proposed residential use. The proposed residential use is more consistent with land uses in the vicinity than a project that would involve a more intensive commercial project on the approximately 16.4 acres of the Project Site that is zoned C-1 Local Retail Business District ("C-1").

Additionally, the proposed residential use is also consistent with existing residential land uses in the area as depicted on the Land Use Map included in the 2022 Comprehensive Plan. Development of this site will not adversely impact surrounding land uses or community character. Adjacent uses are residential, and this site is being developed as zoned. Therefore,

[60] See Page 19 of the Comprehensive Plan.

development of the site will not have potentially significant adverse impacts on the community or adjacent land uses.

D. How the Project Fits or is impacted by the Proposed new Bills Stadium:

The construction of the new Bills Stadium in the vicinity of the Project Site has been considered connection with the cumulative impact analysis. The new stadium is expected to be a significant regional attractor, drawing large crowds, and substantial traffic volumes on game days and other major events such as concerts, which may affect the local roadways in the vicinity to the new stadium. The stadium's presence could also influence local economic activities, potentially accelerating commercial development in the vicinity of the stadium and altering land use patterns. It is important to consider the future impact of new Bils stadium on traffic patterns. However, with the planned reduction in capacity from approximately 71,000 to 62,000 seats, there will be a decrease in traffic on game days.[61]

[61] The Final Traffic Assessment Report prepared by WSP for the Bills Stadium project states as follows: "As a result of relocating the Stadium from the east side of Abbott Road to the west side of Abbott Road, the Project is expected to result in traffic, parking, and pedestrian conditions that are similar to those of the Existing Stadium. Game attendee's travel patterns and behavior will largely resemble travel behavior to the Existing Stadium, however, the New Stadium location, west of Abbott Road, will allow patrons and vehicles to enter and exit more equally in all directions as compared to the Existing Stadium, which is currently constrained on the east side by Smokes Creek. A new primary driveway on Southwestern Boulevard and an improved driveway on Big Tree Road from existing parking lots are proposed, along with improved internal roadways which will offer additional ingress and egress opportunities for the New Stadium. Additionally, the New Stadium will incorporate several new internal walkways to enhance pedestrian accommodations and designed to limit potential conflicts between vehicles and pedestrians. Furthermore, the New Stadium will feature approximately 10,000 on-Site parking spaces, as compared to the existing 9,951 spaces on-Site, and the Stadium seating will be reduced from approximately 70,000 seats to no more than 63,000 seats. Accordingly, with the reduced capacity and design of the Project, the Project is not expected to result in significant adverse impacts to the transportation network, traffic patterns, parking conditions, and pedestrian safety above and beyond those experienced with the Existing Stadium."

**E. Consistency of the Project with the applicable standards contained in the Town of Hamburg Zoning Code:**

The Project has been designed to comply with applicable standards contained in the Zoning Code in terms of building height[62], setbacks, lighting, landscaping, etc. The Preferred Plan depicts 330 parking spaces for the 156 attached residential units consisting of 156 garage spaces and 174 surface spaces for a parking ratio of 2.16 spaces per unit. The Planning Board will be responsible for determining the adequacy of the number of parking spaces for the Project.

**F. Impacts on Community Services such as Fire and Police Protection, Schools, Parks & Recreation, etc.:**

The Project will increase the demand for community services including fire and police protection and educational services. The Project Sponsor has not received any indication from the providers of these community services that the increased demand for community services resulting from the Project cannot be accommodated. The Planning Department has spoken with representatives of the Frontier School District, the Town of Hamburg Police Department and the volunteer fire department and none of them provided any specific comments regarding the Project.

The Project Site consists entirely of privately owned land that is not available for authorized use by the public use nor is it a designated open space or recreational resource. It is also important to mention that the Project Site is not identified as an open space or recreational resource within the Town of Hamburg Parks & Recreation Master Plan dated August 2017. According to the Parks & Recreation Master Plan, the Town has adequate parkland for

[62] Pursuant to Section 280-46A(3) of the Zoning Code, multifamily building with three or more dwellings shall not to exceed three stories.

recreational resources.[63]

The Project will result in a non-significant increase in the demand for community services like fire and police protection. Schools will see a non-substantial increase of enrollment. Parks and recreational services in the Town will experience greater usage.

**G. Potential Impacts and Accommodation of Snowmobile Trails:**

The project layout has been designed to accommodate a snowmobile trial crossing the Project Site. The potential location of the snowmobile trail is depicted on the Concept Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC provided at **Appendix "G-2"** which depicts the Project Sponsor's preferred layout for the Project.[64]

**H. Impacts on Local Government Finances and Tax Revenues:**

The Project will have positive fiscal impacts to the Town of Hamburg, the Frontier School District and Erie County resulting from the substantial annual property taxes that will result from the Project. The Project Site currently consists of vacant land that does not generate substantial annual property taxes. The on-site infrastructure improvement will be privately owned and maintained which means the Town will not have the long-term costs associated with public infrastructure improvements.

[63] See Page B.1-1 of the Town of Hamburg Parks & Recreation Master Plan. The generally accepted national standard for parks planning is frequently cited as 10 acres per 1,000 persons (citing to the National Recreation of Parks Association). By this standard, the Town of Hamburg has a wealth of park land. The population of the Town of Hamburg was 56,936 in 2010 and is estimated to be 57,144 currently. With over 1,545 acres of parkland and open space in the Town, not counting Village or County-owned properties, the Town of Hamburg greatly exceeds the standard, with approximately 27 acres of parkland per 1,000 residents.

[64] A full-size copy of the Concept Site Plan is also included within the Appendices to this DEIS. The project layout as depicted on the Concept Site Plan is the "Preferred Alternative" for purposes of this DEIS.

## I. Potential impacts of the Project on Future Development Trends in the Town:

The Project could have impacts on the future development trends of the Town by creating some demand for commercial uses in the vicinity of the Project Site. The potential impact of the Project on future development trends in the Town is not a potentially significant adverse impacts and as such no mitigation measures are needed for this identified impact.

## J. Description of Any Public Funds to be Used for the Project or any Improvements Related to the Project:

The Project will not require the expenditure of public funds since all of the on-site improvements including necessary infrastructure will be paid for by the Project Sponsor and will remain privately owned and maintained. The Project will impact local government finances and tax revenues positively. The increased of the property value from the Project will result in higher annual property tax revenues for taxiing jurisdictions including the Town of Hamburg.

# 6. Unavoidable Adverse Environmental Impacts:

The Project will result in several identified unavoidable adverse impacts.[65] Despite extensive planning and the incorporation of mitigation measures, certain impacts on the environment are inherent to the construction of the Project. The following is an examination of the potential short-term and long-term unavoidable impacts that may result from the Project.

## 6.1 Potential Short-Term Unavoidable Adverse Environmental Impacts:

Short-term unavoidable impacts will be created during construction of the Project. These impacts include increased noise and odor, as well as a short-term impact to air associated with soil disturbances and construction vehicle movement on the Project Site.

## 6.2 Potential Long-Term Unavoidable Adverse Environmental Impacts:

Certain long-term unavoidable impacts will result from the full build-out of the Project. These impacts will be mitigated to the extent practicable through the measures identified in this DEIS. Such impacts are discussed below.

### 6.2.1 Loss of Vacant Land:

The Project will disturb approximately 47% of the 42.5 acres of the land comprising the Project Site. However, over half (53%) of the total acreage of the Project Site will remain undisturbed for the protection of the wetlands, surface waters, and ecologically sensitive areas.

### 6.2.3 Altered Habitats for Non-Endangered Plant and Animal Species:

The build-out of the Project will result in an unavoidable alteration of habitats for some non-endangered plant and animal species. The ecological communities (habitats) found at the Project Site are common throughout New York State and within the surrounding landscape. The

[65] Section 5.0 of the Final Scoping Document Issued by Planning Board March 15, 2023, provided at **Appendix "C"** stated that unavoidable adverse environmental impacts need to be evaluated in this DEIS [See Page 11].

Project will include approximately 20.1 acres of Permanent Open Space to remain permanently undeveloped.

### 6.2.4 Impacts to Aquatic Resources:

The Project will result in the unavoidable loss of 0.04 acres of jurisdictional federal wetlands. It will also impact non-jurisdictional wetlands consisting of Wetland 3, with a size of 0.15 acres and potential impacts to 0.10 acres or less of the northernmost portion of Wetland 4 with a size of 3.26 acres resulting from necessary grading activities.

. Mitigation impacts to aquatic resources will be provided by implementation of the Riparian Buffer Plan designed by Earth Dimensions, Inc. The riparian buffer to be established for the tributary to Rush Creek will have a width of 25 ft. on each side and will include substantial plantings consisting of 81 trees [5 types] and 66 shrubs [3 types].[66]

### 6.2.5 Impacts to Existing Traffic Patterns:

The Project will result in increased traffic volumes and altered traffic patterns on the roadways in the vicinity of the Project Site as described in the Traffic Impact Study prepared by SRF Associates.[67]

The projected increases in traffic on the roadway network in the vicinity of the Project Site is an unavoidable impact of the Project. According to the Traffic Impact Study prepared by SRF Associates, the Project is expected to contribute 30 entering and 95 exiting vehicle trips during the AM weekday peak hour, and 98 entering and 59 exiting during the PM weekday peak

[66] A copy of the letter from Sean Hopkins, Esq. to Sarah desJardins dated September 9, 2021, with Exhibits 1 and 2, consisting of the Riparian Buffer Plan dated September 9, 2021, and the Method of Riparian Buffer Design as prepared by Earth Dimensions Inc. dated September 9, 2021 is provided at **Appendix "K"**.

[67] A complete copy of the Traffic Impact Study prepared by SRF Associates dated April 2, 2021, is provided at **Appendix "I".**

hour. The Parker Road Subdivision will add 13 vehicles entering and 39 exiting during AM peak hours, and 43 vehicles entering and 26 exiting during PM peak hours.

The Traffic Impact Study proposes several solutions to effectively manage these unavoidable impacts. Design recommendations include restriping for a two-way left-turn lane at Big Tree Road's Proposed Multifamily Westerly Driveway. Additional dedicated left-turn lane implementations are also an option for mitigation at the Big Tree Road / Proposed Multifamily Driveways. This includes the addition of a westbound left turn lane at the easterly driveway during PM weekday peak hours.

### 6.2.6 Light Pollution:

New lighting to be installed on the Project Site will result in a permanent increase of ambient lighting levels on the Project Site. The lighting to be installed on the Project Site will be dark sky compliant as required by the Town's Zoning Code and there will not be any lighting spillover onto adjacent properties.

### 6.2.7 Stormwater Management:

The Project will unavoidably impact existing surface drainage conditions by altering the existing drainage patterns via grading and the proposed site improvements. Mitigation will be provided via a stormwater management system and maintenance plan that will comply with the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001 and the Town of Hamburg.

# 7. Evaluation of Mitigation Measures:

This section of the DGEIS has been prepared for the purpose of providing information regarding the potential mitigation measures to be implemented by the Project Sponsor in connection with the development of the Project Site as a residential project. Section 6 of the Final Scoping Document issued by the Planning Board on March 15, 2023 (titled "Evaluation of Mitigation Measures") stated as follows:

> "The Draft Environmental Impact Statement should include a discussion of the identified potentially significant adverse environmental impacts and a description of the proposed mitigation measures to be implemented to minimize the identified potentially significant impacts to the maximum extent practicable. If mitigation measures are adequately addressed in the discussion of the identified environmental impacts in Section 4 of the DGEIS, this section can act as a summary. Minimum mitigations to be evaluated include extra protection around the creek, dedication of lands/conservation easements, sidewalks and trails, traffic mitigations, landscaping and screening, restriction on the use of herbicides and pesticides, protection of site features, higher level of stormwater design, avoidance of all wetland areas, infrastructure improvements, creation of recreation lands, accommodation of snowmobile trail, and construction impact mitigations (routes, time periods, etc.)."[68]

SEQRA requires that mitigation measures be imposed in connection with the environmental review of a proposed project involving an Environmental Impact Statement for the purpose of minimizing the identified potential adverse environmental impacts to the maximum extent practicable.[69] Several mitigation measures have been identified to minimize the potentially significant adverse environmental impacts to the maximum extent practicable.

## 7.1 Mitigation Measures for Surface Water Impacts:

A comprehensive Storm Water Pollution Prevention Plan ("SWPPP") will be implemented,

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[68] A copy of the Final Scoping Document Issued by Planning Board March 15, 2023 is provided at **Appendix "C"** [See Pages 11-12].

[69] Pursuant to 6 NYCRR Part 617.9(b)(5)(iv), an Environmental Impact Statement is required to include a description of the proposed measures. Pursuant to 6 NYCRR Part 617.2(x), mitigation is defined as "a way to avoid or minimize adverse environmental impact".

which includes the installation of an on-site stormwater management system. This system will be designed to manage runoff efficiently and minimize the impact on the surrounding land and waterways via compliance with the applicable stringent stormwater quality and quantity standards including the need for the system to handle a 100 yr. storm event. Additionally, the project layout designates three specific areas for stormwater management, ensuring that runoff from impervious surfaces will be controlled and treated appropriately. The installation of an on-site stormwater management system complying with the applicable stringent stormwater quality and quantity standards is a mitigation measure for drainage impacts.

The riparian buffer to be established for the tributary to Rush Creek also is a mitigation measure for surface water impacts. The riparian buffer will have a width of 25 ft. on each side and will include substantial plantings consisting of 81 trees [5 types] and 66 shrubs [3 types].[70] The implementation of the plantings as depicted on the Riparian Buffer Planting Plan will ensure the project does not result in any significant adverse environmental impacts to the on-site tributary to Rush Creek.

## 7.2 Traffic Mitigation Measures:

To accommodate the project increase in traffic volumes during the weekday peak travel hours, the design of the driveway onto Big Tree Road will consist of two exiting lanes and one entrance lane. Section VIV of the Traffic Impact Study is titled "Left Turn Treatment Investigation" and consists of an analysis of whether the installation of left-hand turn lanes was justified for vehicles traveling on Big Tree Road turning left into the two previously proposed driveways to access the proposed Wetzl multifamily project. It is important to mention that the

[70] A copy of the letter from Sean Hopkins, Esq. to Sarah desJardins dated September 9, 2021, with Exhibits 1 and 2, consisting of the Riparian Buffer Plan dated September 9, 2021, and the Method of Riparian Buffer Design as prepared by Earth Dimensions Inc. dated September 9, 2021 is provided at **Appendix "K"**.

two previously proposed driveways from the multifamily project onto Big Tree Road were replaced by a single driveway connection based on input received from the New York State Department of Transportation ("NYSDOT"). The elimination of one of the two previously proposed driveways onto Big Tree Road is a traffic mitigation measure along with design of the driveway onto Big Tree Road that consists of two exiting lanes and one entrance lane.

It is also important to mention that in recognition of the importance of accessibility by emergency vehicles, the project layout has been designed to comply with the emergency access standards contained in Appendix D of the NYS Fire Code.

## 7.3 Mitigation Measures for Sanitary Sewer Impacts During Wet Weather Conditions:

The Project will be served by the Erie County Sewer District No. 3 and sanitary sewer flow from the Project will be treated at the Southtowns Advanced Wastewater Treatment Plant. A Downstream Sewer Capacity Analysis Report ("DSCA") was prepared by Carmina Wood Morris, DPC. A copy of the DSCA is provided at **Appendix "H"** and it demonstrated there is adequate downstream sanitary sewer capacity to service the Project during wet weather conditions per NYSDEC Inflow and Infiltration Policy that applies to proposed projects that will generate more than 2,500 gallons per day of sanitary sewer flow. The Downstream Sanitary Sewer Capacity Analysis (Appendix I) provided projected water demand and sanitary calculations for the 156-unit project. The analysis indicates a daily sanitary demand of 34,320 gallons per day (gpd), with a peak demand of 139,095 gpd. To meet NYSDEC's 4:1 offset flow rate requirement, the project will need to handle 368.4 gallons per minute ("gpm"), necessitating the replacement of 13 sewer laterals, each capable of handling 30 gpm, to adequately accommodate the increased

sanitary sewer demand during wet weather conditions.[71]

A copy of the letter issued by Christopher Fiume of the Erie County Division of Sewage Management confirming adequate downstream sanitary sewer capacity during wet weather conditions is provided at **Appendix "G1", Item 8.** This letter stated as follows:

> The Erie County Department of Environment and Planning - Division of Sewerage Management (ECDEP-DSM) reviewed the Downstream Capacity Analysis (DSCA) submitted for the above mentioned project in the Town of Hamburg and concurs with your analysis that there is sufficient capacity in the system for the proposed peak flow of approximately 140,000 gallons per day. The required I&I remedial work for the proposed peak flow of 96.6 gpm is 13 lateral replacements. The DSM will forward the Engineer's Certification and this letter to the Health Department during the coordinated review process. The DSCA verifies capacity in the ECSD #3 collection system."

## 7.4 Mitigation Measures for Impacts on Public Health:

On June 15, 2021, the Project Sponsor submitted a letter to the Planning Board stating as follows:

> "Per the request during the meeting of the Planning Board held on June 2nd, this letter is being submitted to certify that only organic fertilizer will be utilized in connection with the multifamily project at 0 Big Tree Road & 0 Wilson Drive."[72]

[71] The Project Sponsor's commitment to comply with the NYSDEC's policy for Inflow and Infiltration Policy that applies to proposed projects that will generate more than 2,500 gallons per day of sanitary sewer flow is a mitigation measure that ensure the Project will not result in significant downstream sanitary sewer impacts during wet weather conditions.

[72] See **Appendix "G1", Item 8.**

## 8. Project Alternatives:

The evaluation of alternatives to the proposed multifamily residential development on Big Tree Road and Wilson Drive (the Preferred Alternative) is a required component of a Draft Environmental Impact Statement ("DEIS"). This section explores the identified on-site alternatives, assessing their potential environmental impacts.

Section 617.9(b)(5)(v) of the SEQRA regulations states that an environmental impact statement must contain a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the Project Sponsor. Although it is not necessary to consider all possible alternatives, those that achieve the same or similar objectives of the Project Sponsor, have relatively the same or reduced environmental impacts, and can be implemented in a time frame like that of the proposed action should be considered.

In determining the scope of alternatives to be considered, the emphasis is on "what is reasonable." Section 6197.9(b)(5)(v) further provides that the description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed. It is well established law under SEQRA that "the degree of detail with which each alternative must be discussed will vary with the circumstances and natures of each proposal." King v. Saratoga County Board of Supervisors, 223 A.D.2d 894 (3d Dep't. 1996, aff'd 89 NY2d 341 (1996)). According to the NYSDEC, the test for whether the level of detail and alternative analysis is acceptable is to ask if the information provided is sufficient for a decision maker to identify the alternative that minimizes or avoids adverse environmental impacts to the maximum extent practicable.

SEQRA requires analysis of the no action alternative, and also prescribes the range of other alternatives that may be evaluated as appropriate to a given action. The no action

alternative analysis should evaluate both the adverse and beneficial changes to the Project Site that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action.[73]

The range of other alternatives may also include, as appropriate, alternative sites, technology, and scale of magnitude, design, timing, use and types of actions.

This DEIS examines the evolution of alternatives considered by the Lead Agency, the Town Planning Board, as well as discusses the required no action alternative and a range of reasonable alternatives as appropriate regarding the Project area, the Project Site, and what is permissible under the current zoning laws.

The following alternatives to the Project are described and evaluated below: No-Build Alternative; the "As-of-Right" Alternative based on the existing zoning classifications of the Project Site, the Multifamily and Subdivision Alternative and the Preferred Alternative. These alternatives offer potential ranges and scopes of development and are evaluated at a detailed level to allow for comparative analysis and consideration.

## 8.1 Alternative 1: No-Action Alternative:

The "No Action Alternative" is required by SEQRA and is intended to represent land use and environmental conditions that currently exist and are expected to continue if the project site remains in its current condition. This alternative allows for an assessment of anticipated future impacts and benefits under current land use and design considerations and provides the basis for comparing the impacts and benefits of the Preferred Alternative and other alternatives against the status quo condition. The No Action Alternative, therefore, anticipates that the Proposed Project would not occur, so that there is no further development or disturbance on

[73] See 6 NYCRR Part 617.9(b)(5)(v).

the Project Site. Under this scenario, there would be no clearing or grading, no construction, no changes in traffic, no environmental impacts, or further demand on community services but the benefits of the project, such as increase of the residential housing stock, creation of construction jobs, increased spending at local businesses during and after construction would not occur.

The No Action alternative is impractical and not reasonable. The Project Site consists of privately owned land that is zoned for development. The Project Sponsor is a developer who constructs, owns and manages multifamily project and it objective is to develop the Project Site to meet the needs of the local essential workforce, young adults who are starting out, and seniors who are looking to downsize.

The No Action Alternative is contrary to the Town's interest of increasing its supply of housing for lease in the Town. The Project provides an opportunity for the Town to finally make progress towards providing high quality housing for those who cannot afford to purchase a home or choose not to live in an owner occupied single-family home for numerous reasons including lifestyle choices.

## 8.2 Alternative 2: As of Right Development:

The "As-of-Right Alternative" involves the development of the Project Site based on its existing C-1 Local Retail Business District and R-1 Single Family Residence District zoning classifications. A copy of the Conceptual Site Plan depicting the layout of the Preferred Alternative [Drawing C-100] prepared by Christopher Wood, P.E. of Carmina Wood Morris dated December 07, 2021 is provided at **Appendix "G1".** If the Project Site was developed pursuant to the "As-of-Right" Plan, there would not 20.1 acres of the Project Site that would consist of permanent open space to be protected via the recording of a Declaration of Restrictions at the

Erie County Clerk's Office.[74]

The commercial component of the project that would occur on the approximately 16.4 acres of the Project Site zoned C-1 would consist of the following components:

- 3 office buildings totaling 75,000 sq. ft.;
- 2 commercial retail buildings totaling 42,800 sq. ft.; and
- 3 restaurants [2 with drive-thru facilities] totaling 9,925 sq. ft.[75]

The layout of the commercial component of the project would comply with the applicable setbacks and standards contained in the Zoning Code. The residential component of the project layout would consist of an 18 lot residential subdivision on portion of the Project Site zoned R-1 with a public roadway connection to the Wilson Road and Tomaka Drive intersection. The layout of the residential subdivision component of the project would also comply with the

[74] The Project Sponsor's commitment in connection with the Preferred Alternative to preserve 20.1 acres of the Project Site, including the portion of the Project Site adjacent to single-family homes on the north side of Wilson Drive, is a mitigation measure that minimizes the impacts on changes in the land use on a portion of the Project Site on the surrounding neighborhood.

[75] Pursuant to Section 280-70 of the Zoning Code (titled "Permitted uses and structures"), the uses and structures permitted in the C-1 District are as follows: A. Principal uses and structures (less than 15,000 square feet or as noted): (1) Principal uses and structures permitted in the NC District, except Use Group 1 (no residential housing shall be permitted), and principal uses and structures permitted in the HC District. (2) The following uses, when conducted entirely within an enclosed building: (a) Retail sales, but not including any use first permitted in the C-2 or M District. (b) Dry-cleaning and pressing establishments, limited to 2,000 square feet of floor area per establishment. (c) Eating or drinking establishments, provided that any entertainment shall be limited to television, radio or music, and further provided that no sale of alcoholic beverages for consumption on the premises shall be permitted on any lot where the principal building is less than 500 feet from a side lot line that abuts any R District boundary. (d) Garden center (indoor use only, see special use permit for outdoor display). (3) Hotels or motels, subject to the above restrictions on eating and drinking establishments. (4) Banks and drive-through banks, provided that at least five reservoir spaces are provided on the lot for each drive-in teller's window. Such reservoir spaces shall be exclusive of required parking spaces. (5) Racquetball clubs, squash courts, health spas and related physical fitness facilities. (6) The following uses by special use permit authorized by the Planning Board: (a) Nursery schools and day-care centers. (b) Garden center (with outdoor display/storage).

applicable setbacks and standards contained in the Zoning Code.

The development of the Project Site based on its existing zoning classifications would result in a more intensive development of the Project Site than development pursuant to the Preferred Alternative. The magnitude of adverse impacts identified by the Planning Board such as traffic volumes on the roadway network, lighting impacts, wildlife habitat, and jurisdictional wetlands[76] would be greater than the magnitude of such impacts pursuant to the Preferred Plan. The development of the Project Site pursuant to the "As-of-Right" Plan would also result in a public roadway connection to Wilson Drive.

Based on the fact that the "As-of-Right" Plan would result in a higher magnitude of identified environmental impacts than the Preferred Alternative, it has not been selected as the preferred alternative for the development of the Project Site.

## 8.3 Alternative 3: Multifamily and Residential Subdivision Alternative:

The "Multifamily and Residential Subdivision Alternative" would involves the downzoning of the approximately 16.4 acres of the Project Site zoned C-1 Local Retail Business District to R-3 Multifamily District to accommodate 104 attached units with garages for lease along with an 18 lot residential subdivision that would be located on the portion of the Project Site zoned R-1 with a public roadway connection to the Wilson Road and Tomaka Drive intersection. A copy of the Conceptual Site Plan depicting the layout of the Multifamily and Residential Subdivision Alternative [Drawing C-100] prepared by Christopher Wood, P.E. of Carmina Wood Morris dated August 25, 2020 is provided at **Appendix "G3".**

If the Project Site was developed pursuant to the "Multifamily and Residential

[76] The development of the Project Site pursuant to the "As-of-Right" Plan would result in 0.30 acres impacts to 7.52 acres of jurisdictional federal wetlands.

Subdivision" Plan, there would not 20.1 acres of the Project Site that would consist of permanent open space to be protected via the recording of a Declaration of Restrictions at the Erie County Clerk's Office.[77]

The development of the Project Site pursuant to the "Multifamily and Residential Subdivision" Plan, would result in a more intensive development of the Project Site than development pursuant to the Preferred Alternative. The magnitude of adverse impacts identified by the Planning Board such as lighting impacts, the acreage of the Project Site to be disturbed, the amount of wildlife habitat, and jurisdictional wetlands[78] would be greater than the magnitude of such impacts pursuant to the Preferred Plan. The development of the Project Site pursuant to the "Multifamily and Residential Subdivision" Plan would also result in a public roadway connection to Wilson Drive.

Based on the fact that the "Multifamily and Residential Subdivision" would result in a higher magnitude of identified environmental impacts than the Preferred Alternative, it has not been selected as the preferred alternative for the development of the Project Site.

## 8.4 Alternative 4: Preferred Alternative:

The Preferred Alternative depicts an appropriate use of a portion of the Project Site by allowing for residential development to assist in addressing housing shortages within the community while remaining committed to following environmental requirements. A copy of the Conceptual Site Plan depicting the layout of the Preferred Alternative [Drawing C-100] prepared

[77] The Project Sponsor's commitment in connection with the Preferred Alternative to preserve 20.1 acres of the Project Site, including the portion of the Project Site adjacent to single-family homes on the north side of Wilson Drive, is a mitigation measure that minimizes the impacts on changes in the land use on a portion of the Project Site on the surrounding neighborhood.

[78] The development of the Project Site pursuant to the "As-of-Right" Plan would result in 0.30 acres impacts to 7.52 acres of jurisdictional federal wetlands.

by Christopher Wood, P.E. of Carmina Wood Morris dated March 30, 2022 is provided at **Appendix "G2".** The Preferred Alternative incorporates mitigation measures as described in this DEIS to minimize the potentially significant adverse environmental impacts to the maximum extent practicable.

Incorporating detailed mitigation measures, including the implementation of a Storm Water Pollution Prevention Plan ("SWPPP") and infrastructural enhancements such as road restriping for improved traffic management, the Preferred Alternative demonstrates a proactive approach to minimizing the identified potentially significant adverse environmental impacts to the maximum extent practicable. The integration of sidewalks and trails further promotes sustainable active lifestyles by encouraging non-motorized transportation.

The Preferred Alternative has been selected by the Project Sponsor based on a consideration of all relevant factors including the mitigation measures that will ensure compliance with applicable technical standards and the permanently preservation of approximately 20.1 acres of the Project Site as permanent open space.

## 9. Cumulative Impacts:

Certain proposed actions subject to an environmental review pursuant to SEQRA have the potential to trigger further development by either attracting a significant local population, inviting commercial industrial growth, or by inducing the development of similar projects adjacent to the Project constituting an action. In addition, Section 617.9(b)(5)(iii)(a) of the SEQRA regulations requires the discussion of cumulative impacts where such impacts are "applicable and significant."[79]

Cumulative impacts occur when two (2) or more individual environmental effects which, when taken together, are significant or that compound or increase other environmental effects. The individual effects may be effects resulting from a single project or from separate projects. In addition, potential cumulative impacts that may arise from interactions between the impacts of the Project and the impacts of other projects are addressed in this section. In this regard, cumulative impacts are impacts on the environment that may result from the incremental increased impact of an action when the impacts of that action are added to other present, past, and reasonably foreseeable future actions. Assessment of any such potential cumulative impacts is limited to the consideration of probable impacts, not speculative impacts.

Cumulative impact assessment must be done under the following circumstances: (a) if

[79] The reference to cumulative impacts pertains to the cumulative impacts of the proposed multifamily project and the proposed Manko residential subdivision. Cumulative impacts are described on Page 80 of the 4th edition of the SEQR Handbook published by the NYSDEC as follows: "Cumulative impacts occur when multiple actions affect the same resource(s). These impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from two or more individually minor but collectively significant actions taking place over time. Cumulative impacts do not have to all be associated with one sponsor or applicant. They may include indirect or secondary impacts, long-term impacts, and synergistic effects." It is important to mention that the two proposed projects are not functionally dependent on each other.

two or more simultaneous or subsequent actions themselves are related in that: (i) one action is an interdependent part of a larger action or included as part of any long range plan; (ii) one action is likely to be undertaken as a result of the proposed action will likely be triggered by the proposed action; and (iii) one action cannot or will not proceed unless other actions taken or one action is dependent on another; or (b) if the impacts of related or unrelated actions may be incrementally significant and the impacts themselves are related.

In general, cumulative impact analysis of external projects is required where the external projects have been specifically identified and either are part of a single plan or program, or there is a sufficient nexus of common or interactive impacts to warrant assessing such impacts together. Some cumulative impacts are the simple additive effect of the projects (i.e., each will disturb a certain amount of ground surface, wetlands, or stream crossings). Also, each will provide certain economic benefit to the host community. These additive impacts can be quantified by simply tallying the total impacts resulting from each project to the extent that such information is known and has been publicly presented. Certain other cumulative impacts may not simply be additive, and therefore need a certain level of further analysis.

## 9.1 Existing, Approved or Pending Projects:

The assessment of cumulative impacts is essential to understanding the broader environmental and community implications of the proposed multifamily residential development on Big Tree Road and Wilson Drive, especially when considered alongside other significant pending projects in the area, such as the Parker Road residential subdivision and

the new Bills Stadium.[80] This section examines how the proposed action interacts with these developments and the combined effects on the local environment, infrastructure, and community character.

### 9.1.1 Parker Road Subdivision:

The future pending projects in the area identified by the Planning Board consist of the Parker Road residential subdivision and the new Bills Stadium.

The proposed project and the Parker Road residential subdivision on property contiguous to the Project Site are independent developments that will collectively contribute to the growth of the area. While not functionally dependent on one another, their contemporaneous development could lead to cumulative impacts, particularly regarding increased traffic and demand for utilities. The combined increase in residential units will necessitate enhancements to road networks, and sewer and stormwater management facilities to accommodate the growth.

### 9.1.2 Buffalo Bills Stadium:

The construction of the new Bills Stadium in the vicinity of the Project Site has been considered connection with the cumulative impact analysis. The new stadium is expected to be a significant regional attractor, drawing large crowds, and substantial traffic volumes on game days and other major events such as concerts, which may affect the local roadways in the vicinity to the new stadium. The stadium's presence could also influence local economic activities, potentially accelerating commercial development in the vicinity of the stadium and

[80] Section 8.0 of the Final Scoping Document issued by the Planning Board on March 15, 2023, titled "Cumulative Impacts" stated as follows: The impacts of the proposed action in the context of the pending Parker Road residential subdivision and the new Bills Stadium. It is important to mention that the proposed project is not functionally dependent on the proposed Parker Road residential subdivision." A copy of the Final Scoping Document Issued by Planning Board March 15, 2023 is provided at **Appendix "C".**

altering land use patterns. It is important to consider the future impact of new Bils stadium on traffic patterns. However, with the planned reduction in capacity from approximately 71,000 to 62,000 seats, there will be a decrease in traffic on game days.[81]

## 9.2 Surface Water:

The Project proposes 156 housing units, rezoning to allow higher density residential development, and the cumulative impact on surface water must be carefully evaluated and mitigation efforts carefully designed.

## 9.3 Plants and Animals:

The proposed development will alter the local landscape, potentially impacting native vegetation and wildlife habitats. Considering the SEQRA framework, it is essential to evaluate how the project's direct impacts—such as the removal of approximately 20 acres of natural habitats for construction—interact with similar habitat disturbances from other projects within the area. Cumulative effects could include significant habitat fragmentation, threatening local biodiversity, and disrupting wildlife corridors. This necessitates a holistic environmental

[81] The Final Traffic Assessment Report prepared by WSP for the Bills Stadium project states as follows: "As a result of relocating the Stadium from the east side of Abbott Road to the west side of Abbott Road, the Project is expected to result in traffic, parking, and pedestrian conditions that are similar to those of the Existing Stadium. Game attendee's travel patterns and behavior will largely resemble travel behavior to the Existing Stadium, however, the New Stadium location, west of Abbott Road, will allow patrons and vehicles to enter and exit more equally in all directions as compared to the Existing Stadium, which is currently constrained on the east side by Smokes Creek. A new primary driveway on Southwestern Boulevard and an improved driveway on Big Tree Road from existing parking lots are proposed, along with improved internal roadways which will offer additional ingress and egress opportunities for the New Stadium. Additionally, the New Stadium will incorporate several new internal walkways to enhance pedestrian accommodations and designed to limit potential conflicts between vehicles and pedestrians. Furthermore, the New Stadium will feature approximately 10,000 on-Site parking spaces, as compared to the existing 9,951 spaces on-Site, and the Stadium seating will be reduced from approximately 70,000 seats to no more than 63,000 seats. Accordingly, with the reduced capacity and design of the Project, the Project is not expected to result in significant adverse impacts to the transportation network, traffic patterns, parking conditions, and pedestrian safety above and beyond those experienced with the Existing Stadium."

assessment that looks beyond the project boundaries to understand the broader ecological impacts. Strategies might include collaborative habitat restoration efforts and the creation of green corridors to ensure connectivity between preserved natural areas, aligning with SEQRA's emphasis on minimizing adverse environmental impacts through thoughtful planning and mitigation.

## 9.4 Traffic and Transportation:

The Project's 156 new residential units will increase local traffic volumes, particularly on the roadway network in the vicinity of the Project Site. Under SEQRA, the assessment must consider not only the traffic generated by this project but also the cumulative traffic impacts when combined with existing and reasonably foreseeable developments in the study area consisting of the Manko Parker Road residential subdivision. The aggregation of traffic from multiple sources may lead to additional traffic volumes. Mitigative actions, including striping and dedicated lanes will collectively address the identified cumulative impacts.

## 9.5 Conclusion:

The cumulative impacts of the Project as a multifamily residential development in conjunction with the Parker Road residential subdivision and the new Bills Stadium, underscore the importance of integrated and strategic planning to manage growth and development pressures effectively. While the Project is not functionally dependent on the other two projects, its planning and implementation has been cognizant of the cumulative effects on the community and the environment.

## 10. Growth Inducing Impacts:

This section of the DGEIS consists of a discussion of any growth-inducing aspects of the proposed Project. The SEQRA Regulations require that a DGEIS include an analysis of any growth inducing aspects of a proposed project.[82] The Project will not result in any direct or potentially significant growth inducing impacts.

## 10.1 Economic Development:

The construction of 156-unit multifamily units will have positive economic impacts through job creation during construction The construction of the Project will be completed within two phases that will last longer than 1 year and will involve several construction activities with various trades associated with different phases of the work. It is anticipated that there are currently available construction workers in Western New York and that many of these workers will be drawn from the existing labor pool.

The construction trades workers will most likely patronize restaurants, hotels/motels, entertainment facilities, and other service providers in the vicinity of the Project Site. This will result in a temporary boost to the local economy. By itself, however, the entry of new construction workers into the area of the Project Site is not expected to result in the opening of any specific new businesses that cater to the needs of these workers. This temporary construction work force is not expected to create any significant amount of additional demand for housing or other community services. Therefore, the construction aspect of the Project is not anticipated to result in any potentially significant growth inducing impacts.

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[82] See 6 NYCRR Part 617.9(b)(5)(iii)(d). Section 9 0 of the Final Scoping Document issued by the Planning Board on March 15, 2023, is titled "Growth Inducing Impacts" and stated as follows: "The proposed action could potentially result in significant impacts on the growth and character of the surrounding neighborhood and the Town of Hamburg. An analysis of the possible growth inducing aspects of the proposed action must be provided." A copy of the Final Scoping Document Issued by Planning Board March 15, 2023, is provided at **Appendix "C".**

## 10.2 New Housing:

Hamburg's housing market stands to benefit significantly from the infusion of new multifamily housing options. Addressing current housing shortages and meeting the diverse needs of its growing population, this Project can help mitigate affordability issues. The development introduces a substantial number of new residential units to the area, potentially attracting a significant influx of residents. This population growth could serve as a catalyst for further residential development, as demand for housing increases in response to the area's enhanced appeal. The additional population may also contribute to a diversification of the community demographic, bringing new cultural benefits to the Town of Hamburg.

## 10.3 Infrastructure and Public Services:

The anticipated population growth from the Project will have an impact on the Town of Hamburg's existing infrastructure and public services. The development will necessitate improvements to local infrastructure, including roads, utilities, and public services, to accommodate the increased population and associated demands. These improvements could potentially facilitate growth by enhancing the area's overall accessibility and attractiveness.

## 10.4 Integration with Regional Development Trends:

The Project falls perfectly within the context of the broader regional development trends, including the potential impacts of the new Bills Stadium and other regional projects. The synergies between these developments are likely to amplify the growth-inducing impacts collectively, positively transforming the Town of Hamburg and its surroundings, without significant adverse environmental impacts.

# 11. Potential Impacts Determined to be Insignificant:

In the comprehensive coordinated environmental review process guided by the SEQRA Regulations (6 NYCRR Part 617), it is important to distinguish between the identified potentially significant and non-significant impacts of the proposed Project. This ensures that the Draft Environmental Impact Statement (DEIS) focuses on the potentially significant adverse environmental impacts identified by the Planning Board in connection with its issuance of a positive declaration on September 15, 2021, while streamlining the environmental review process by not requiring an in-depth analysis of potential impacts that are non-significant.

This section of the Draft Environmental Impact Statement ("DEIS") addresses several aspects of the proposed residential project that have been thoroughly assessed by the Planning Board and determined to have non-significant environmental impacts. The information presented herein is based on comprehensive studies and analyses conducted in accordance with the State Environmental Quality Review Act ("SEQRA") requirements. These aspects include certain utility impacts (water and electrical), and cultural resource impacts.

During the review process for the Project completed by the Planning Board, all identified potential adverse environmental impacts were subjected to rigorous assessment to determine their relevance and significance in the environmental context of the proposed action. This section clarifies areas where potential impacts have been evaluated and considered to be non-significant.

## 11.1 Land Impacts:

The proposed development's impact on a 42.5-acre site involves disturbing approximately 20 acres, has been extensively assessed and deemed non-significant due to the need to comply with applicable regulatory requirements. Despite the project introducing risks like increased erosion from land disturbance and vegetation removal, these concerns are being

effectively mitigated through meticulously designed grading and storm water management plans. These plans comply with the New York State Department of Environmental Conservation (NYSDEC) standards. This approach not only addresses potential environmental impacts but also enhances the site's sustainability infrastructure. It encompasses a minor anticipated impact on federally jurisdictional wetlands, involving the dredging and onsite repurposing of 190 cubic yards of wetland material, thereby aligning with sustainable land management practices.

The Project layout alters the existing natural landscape by removing approximately 19.76 acres of forest and 2.2 acres of grasslands and meadows. However, these changes are mitigated by strategic planning and the implementation of environmental safeguards. The Project's location, on formerly agricultural land that is regularly plowed, has been determined by the Town of Hamburg Planning Board to not have a significant impact with soil disturbance. Key among the mitigation measures is the Storm Water Pollution Prevention Plan ("SWPPP") and its rigorous enforcement through regular inspections during the construction phase, ensuring that any environmental impact, including erosion and the cumulative effects of land disturbance, remains controlled and environmentally insignificant. This comprehensive approach to managing and mitigating the potential impacts of the development ensures the Project minimizes its environmental footprint and follows sustainable development practices. This action is environmentally insignificant.

## 11.2 Surface Water and Ground Water Resources Impacts:

The risk of adverse groundwater or soil contamination because of the Project is low. Preliminary site assessments have not identified the presence of hazardous materials that would pose a risk of significant environmental contamination. Standard construction protocols will be implemented to prevent any potential minor contamination during construction activities.

## 11.3 Plants and Animals Impacts:

The impact on plants and animals from construction of the Project is insignificant. There is an abundance of similar habitats near and adjacent to the Project Site. The Project layout incorporates green spaces and habitat enhancements that will maintain biodiversity and provide habitats, offsetting potential disruptions caused by construction. This action is environmentally insignificant.

## 11.4 Energy and Utility Facilities Impacts:

The increased demand on local utilities (water, energy, communications, sanitary sewer, and storm sewer) will be accommodated through planned and designed infrastructure upgrades and improvements. These enhancements, designed in coordination with local utility providers, ensure that the project's utility demands do not result in significant adverse environmental impacts. This action is environmentally insignificant.

## 11.5 Noise and Odor Impacts:

The Project will generate typical construction related noises and odor that are normally associated with projects of this nature for a temporary duration. This impact is determined to be insignificant due to the reasonably expected noise and odor levels that will be produced during construction and the minimal noise and odor levels from the population increase within the development post-construction.

## 11.6 Public Health Impacts:

The light emissions produced by the Project will not trespass onto contiguous properties. The onsite lighting will comply with the lighting standards contained in the Zoning Code and will be dark sky compliant. These items will be environmentally insignificant.

## 11.7 Localized Air Quality Impacts:

There is potential for localized air quality impacts during the construction phase of the Project, primarily from dust and emissions from construction vehicles. Given the temporary nature of these impacts and the implementation of best management practices during construction, they are considered to have a limited, manageable effect on overall air quality and are therefore insignificant.

## 11.8 Growth and Character of Community Impacts:

The visual impact of the proposed development, particularly in relation to the existing landscape and community character, has been carefully considered. Given the project's adherence to local zoning and design guidelines, and the incorporation of landscaping and architectural features that complement the existing community aesthetic, these impacts are viewed as harmonious with the community's character and not environmentally significant.