

# Town of Hamburg Planning Board

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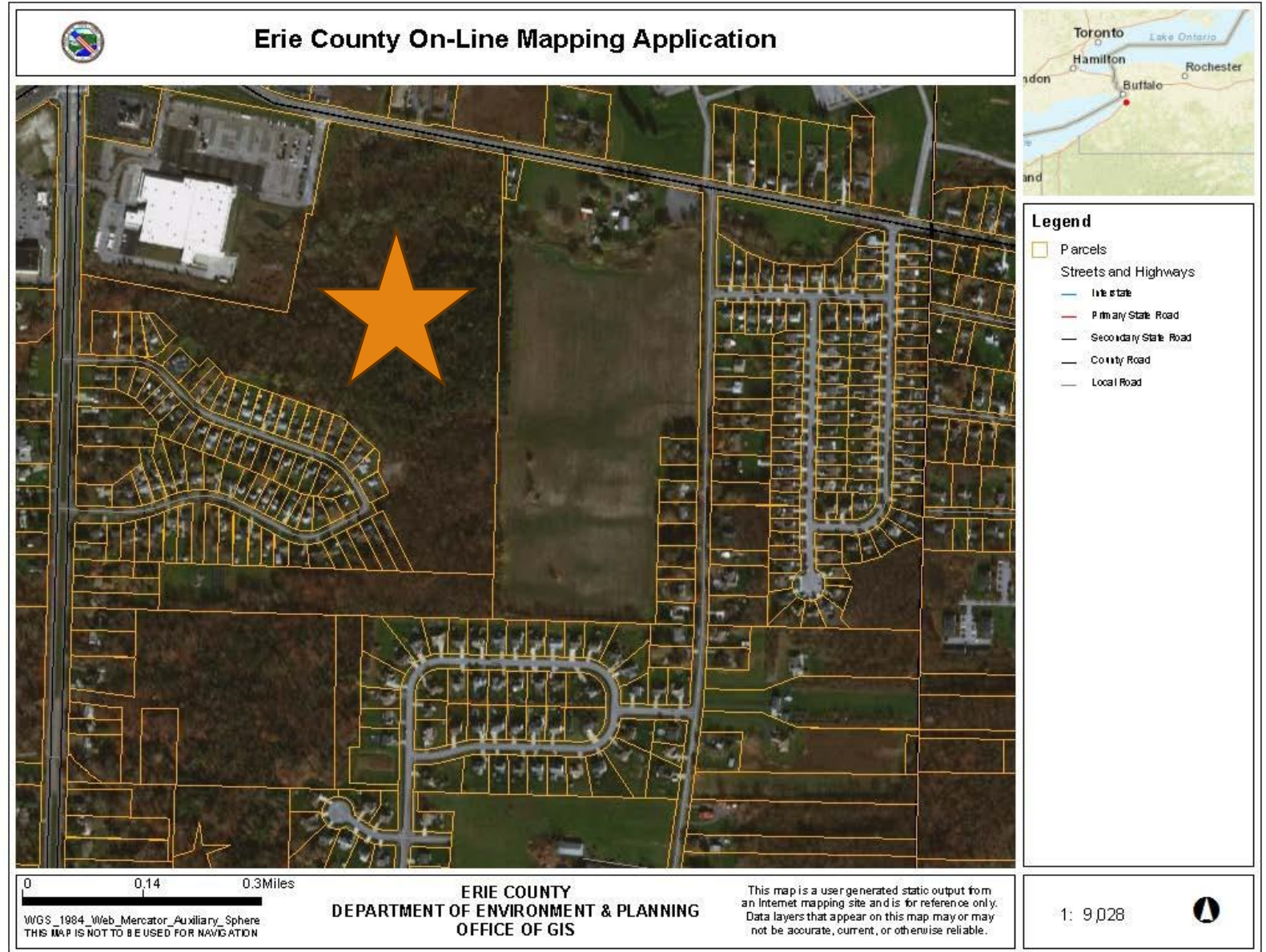
## **PUBLIC HEARING ON DEIS**

**Project:** Wetzl Residential Project

**Petitioner:** Wetzl Development, LLC c/o Glenn Wetzl

## BACKGROUND INFORMATION:

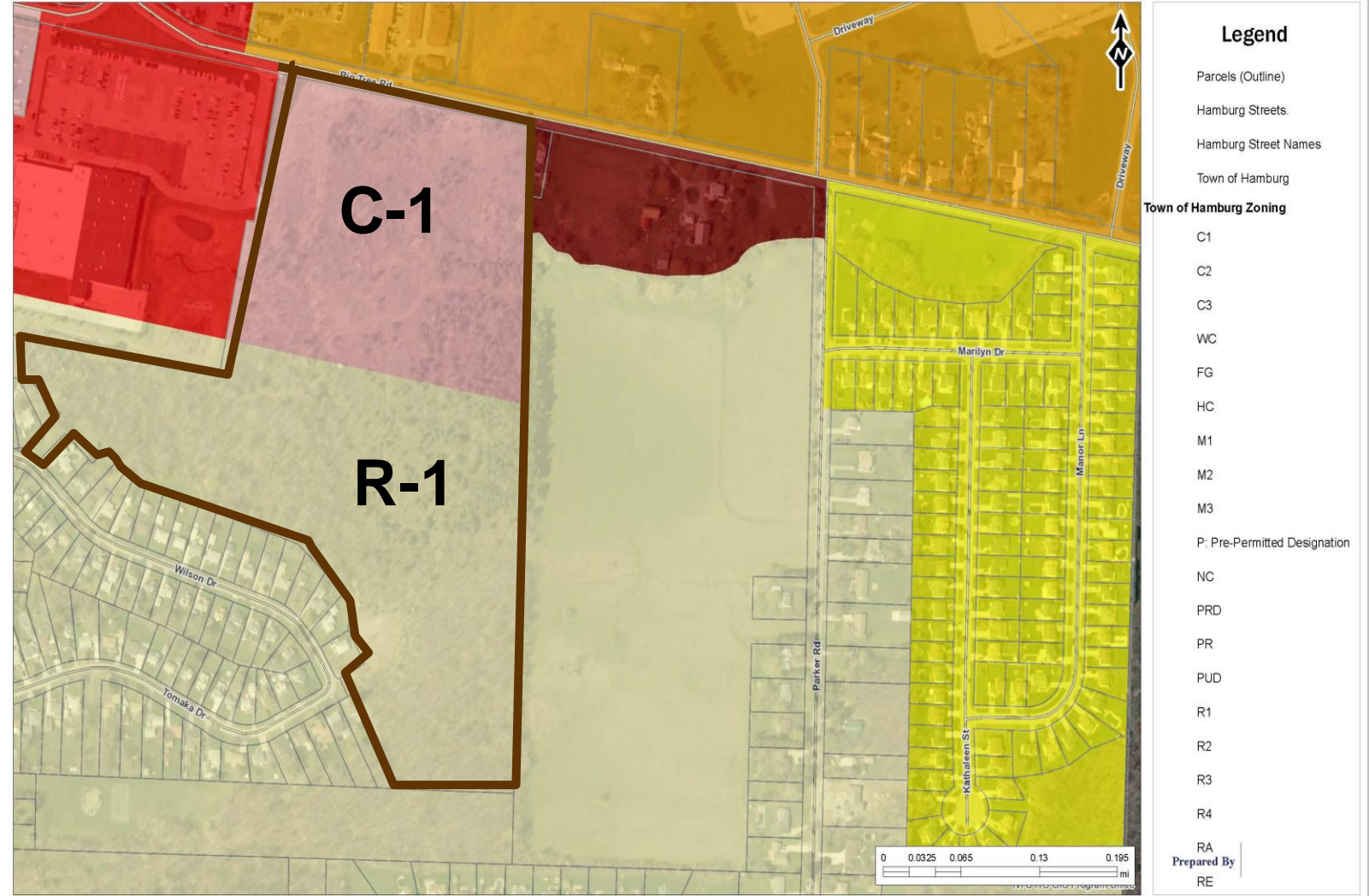
- Location: 0 Big Tree Road
- Size of Project Site: 42.5 acres
- Zoning Classification: C-1 and R-1
- Proposed Use: Residential Project consisting of apartments for lease with attached garages
- Project requires rezoning by the Town Board and Site Plan Approval from the Planning Board
- Positive Declaration issued by the Planning Board on September 15, 2021
- Notice of Completion for DEIS issued on September 10th



## ZONING MAP EXCERPT:

- Downzoning from C-1 to R-3
- Rezoning of the R-1 zoned portion of the Project Site to R-3

### Town of Hamburg Web Mapping Application



Village of Hamburg Zoning

Residential 1B

## **Intent of SEQRA [6 NYCRR Part 617.1]:**

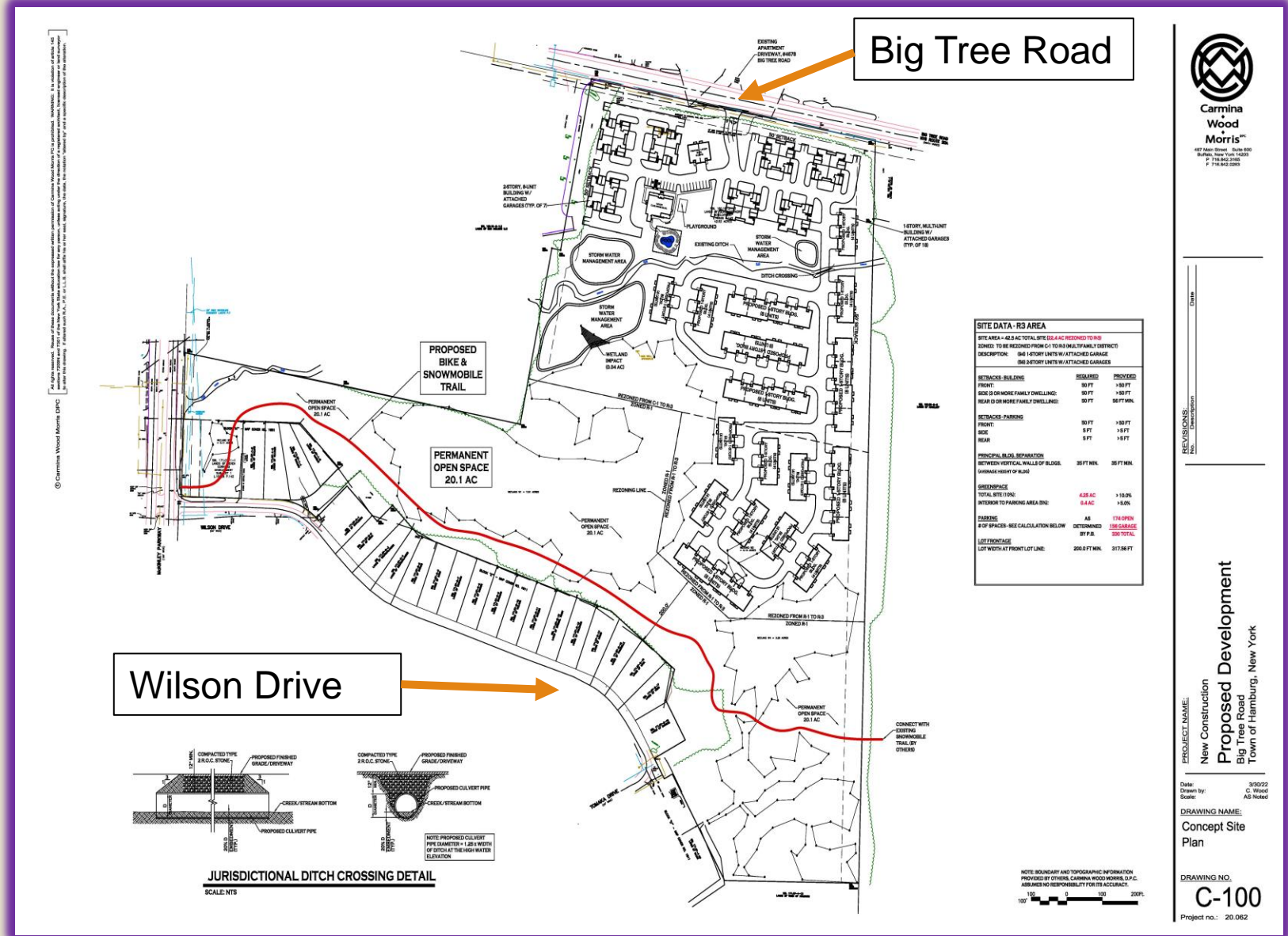
- The basic purpose of SEQRA is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQRA requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant impact on the environment, and, if it is determined that the action may have a significant adverse impact, prepare or request an environmental impact statement.
- It was the intention of the Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies. It is not the intention of SEQRA that environmental factors be the sole consideration in decision-making.

## **Identified Potentially Significant Adverse Environmental Impacts:**

- The Town of Hamburg Planning Board issued a Positive Declaration on September 15, 2021, and 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;
  - Community character; and
- The Planning Board also identified potential cumulative impacts with the adjoining proposed Parker Road subdivision

## PREFERRED LAYOUT:

- The Project consists of 156 attached residential units for lease, along with all related site improvements as depicted on the Concept Site Plan
- 94 single-story units with attached garages
- 56 two-story units with attached garages
- 330 parking spaces
- Clubhouse and playground
- 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.



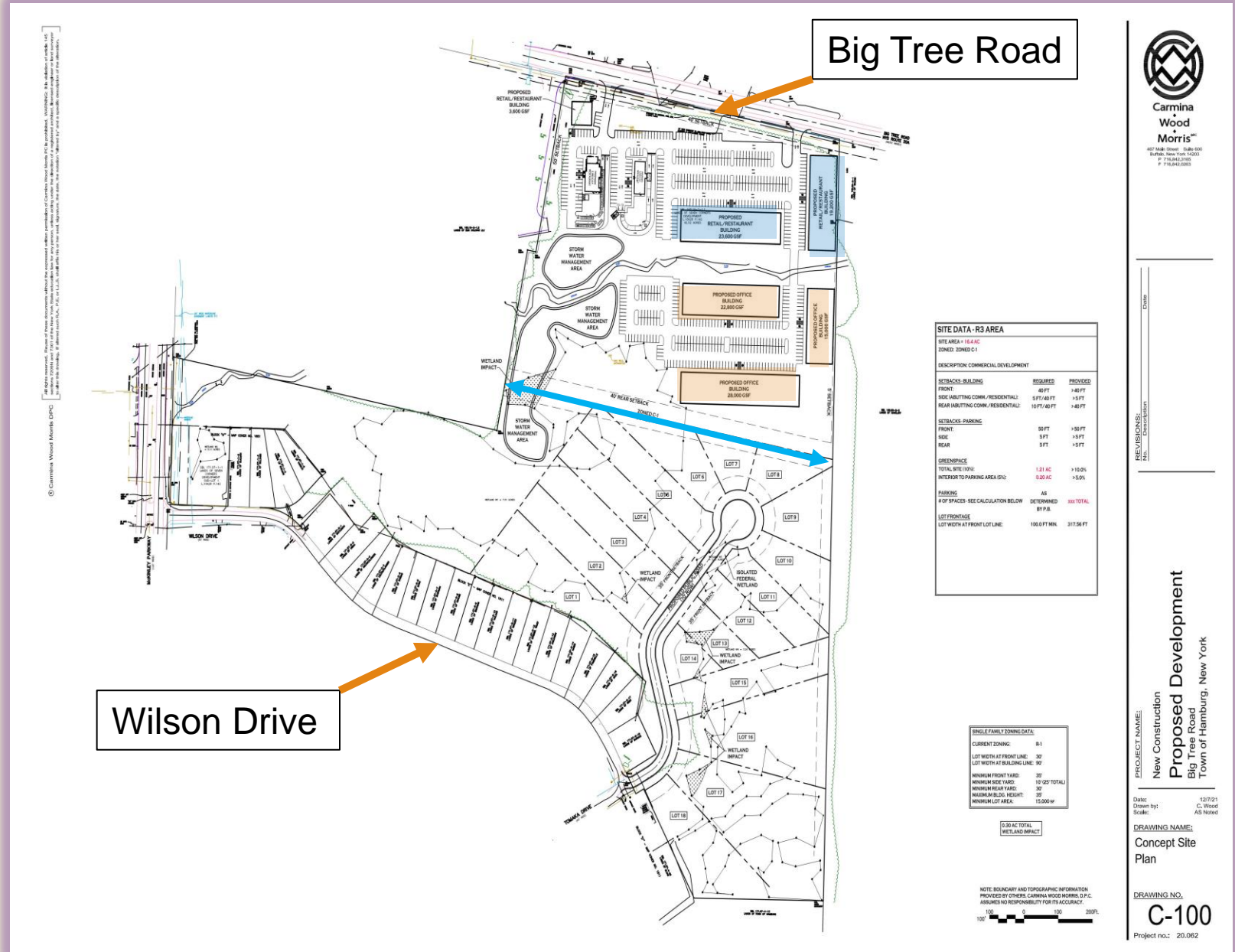
- 200 ft. setback from proposed R-3 zoning boundary to rear of closest lot on Wilson Drive
- 20.1 acres of Permanent Open Space to be subject to a Declaration of Restrictions
- No roadway connection to Wilson Drive
- On-site stormwater management system
- Impacts to only 0.04 acres of the 7.52 acres of jurisdictional federal wetlands and 40 linear feet of tributary to Rush Creek. The USACE has authorized this minor impact via the issuance of a Nationwide Permit No. 29 on May 11, 2023
- Potential snowmobile trail connection across the Project Site in the Permanent Open Space



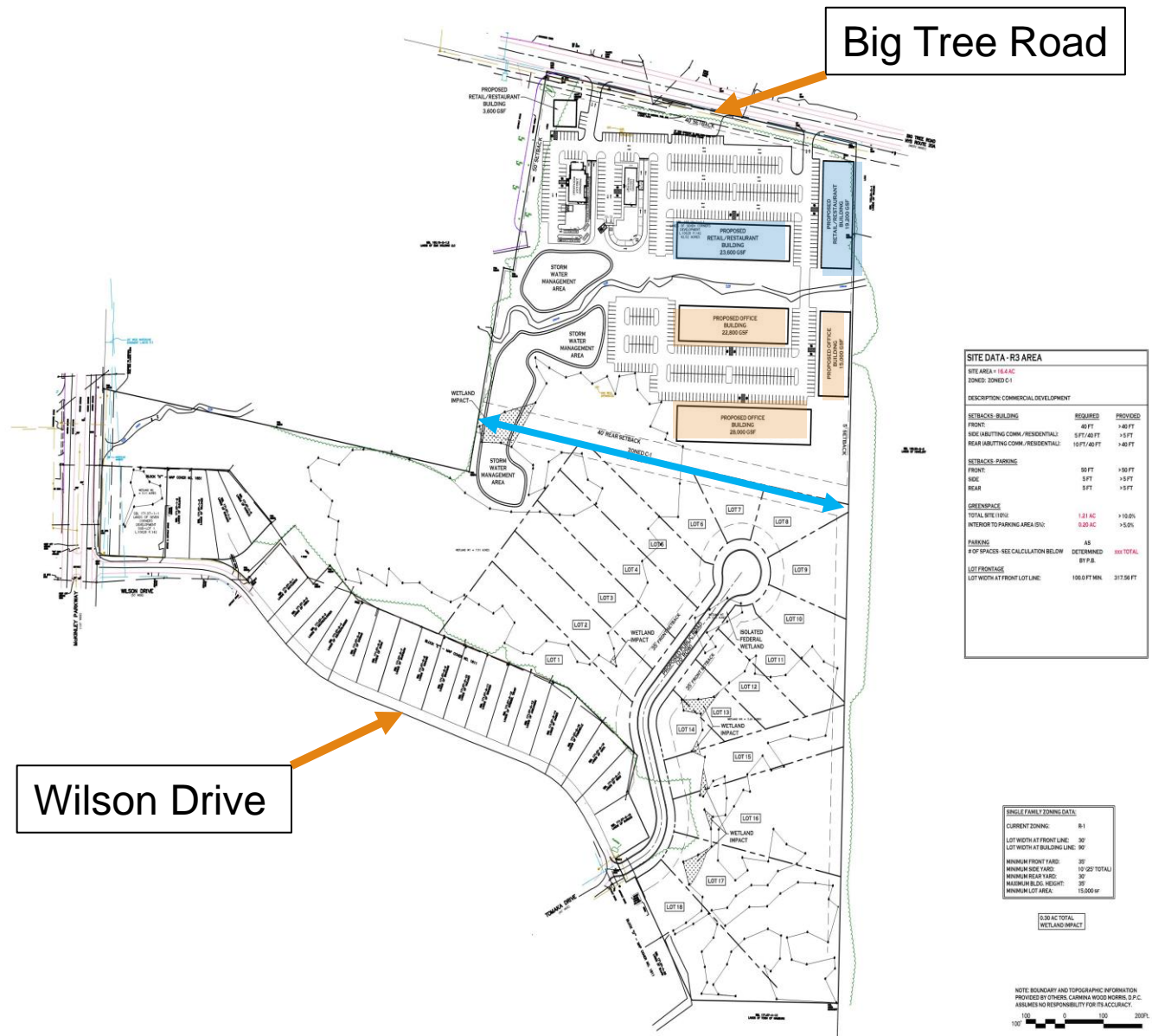
## **Proposed Zoning Conditions:**

- 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.
- 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.

- Based on Existing C-1 zoning and development of a portion of the R-1 zoned property
- Commercial component [16.4 acres]
  - 3 office buildings totaling 75,000 sq. ft.
  - 2 commercial retail buildings totaling 42,800 sq. ft.
  - 3 restaurants [2 with drive-thru facilities] totaling 9,925 sq. ft.



- 18 lot residential subdivision on portion of the Project Site zoned R-1 with public roadway connection to Wilson Road and Tomaka Drive intersection
- 0.30 acres impacts to 7.52 acres of jurisdictional federal wetlands



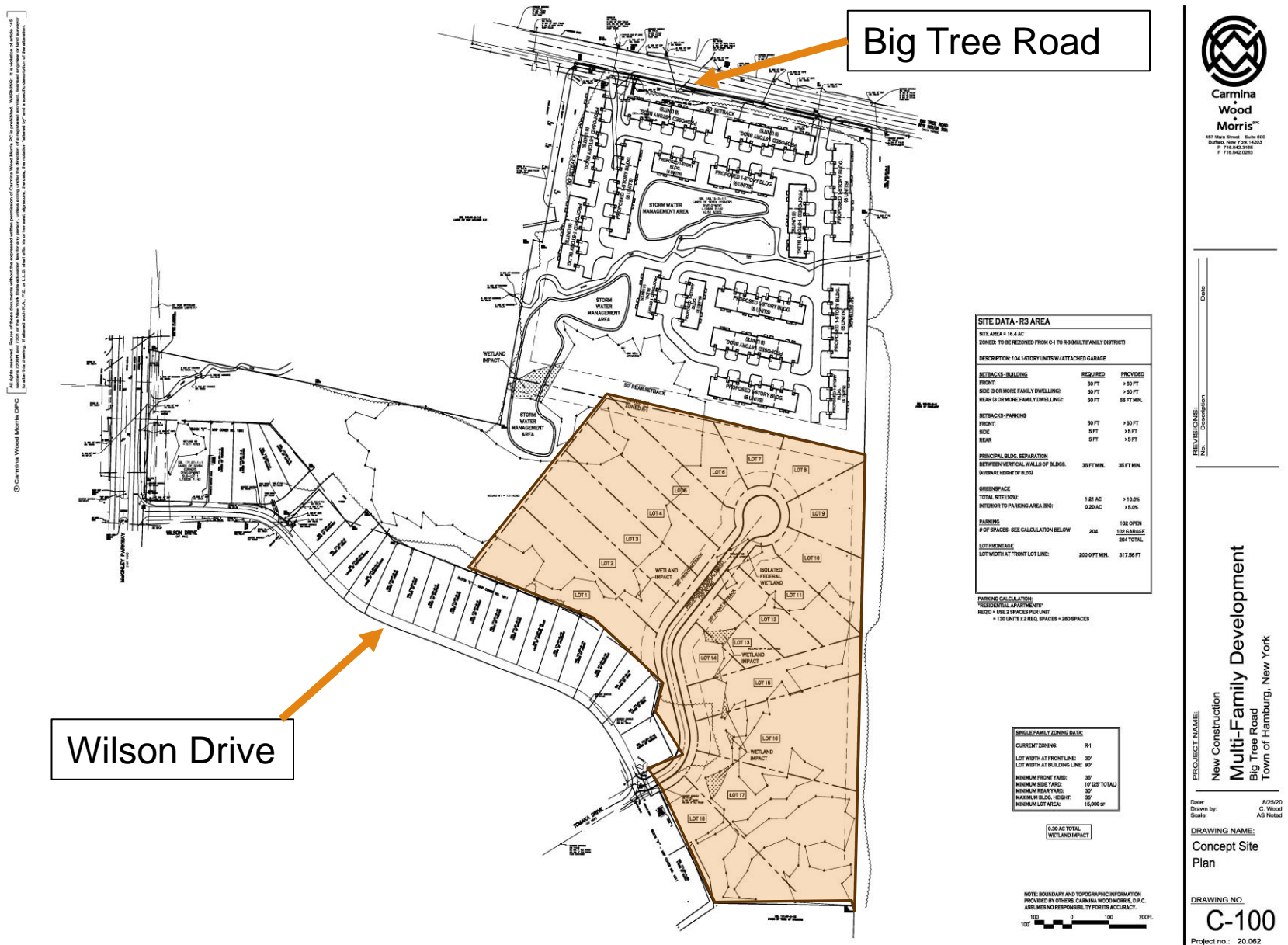
## **Existing C-1 Zoning Classification of 16.4 Acres of the Project Site:**

- 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).

## **RESIDENTIAL**

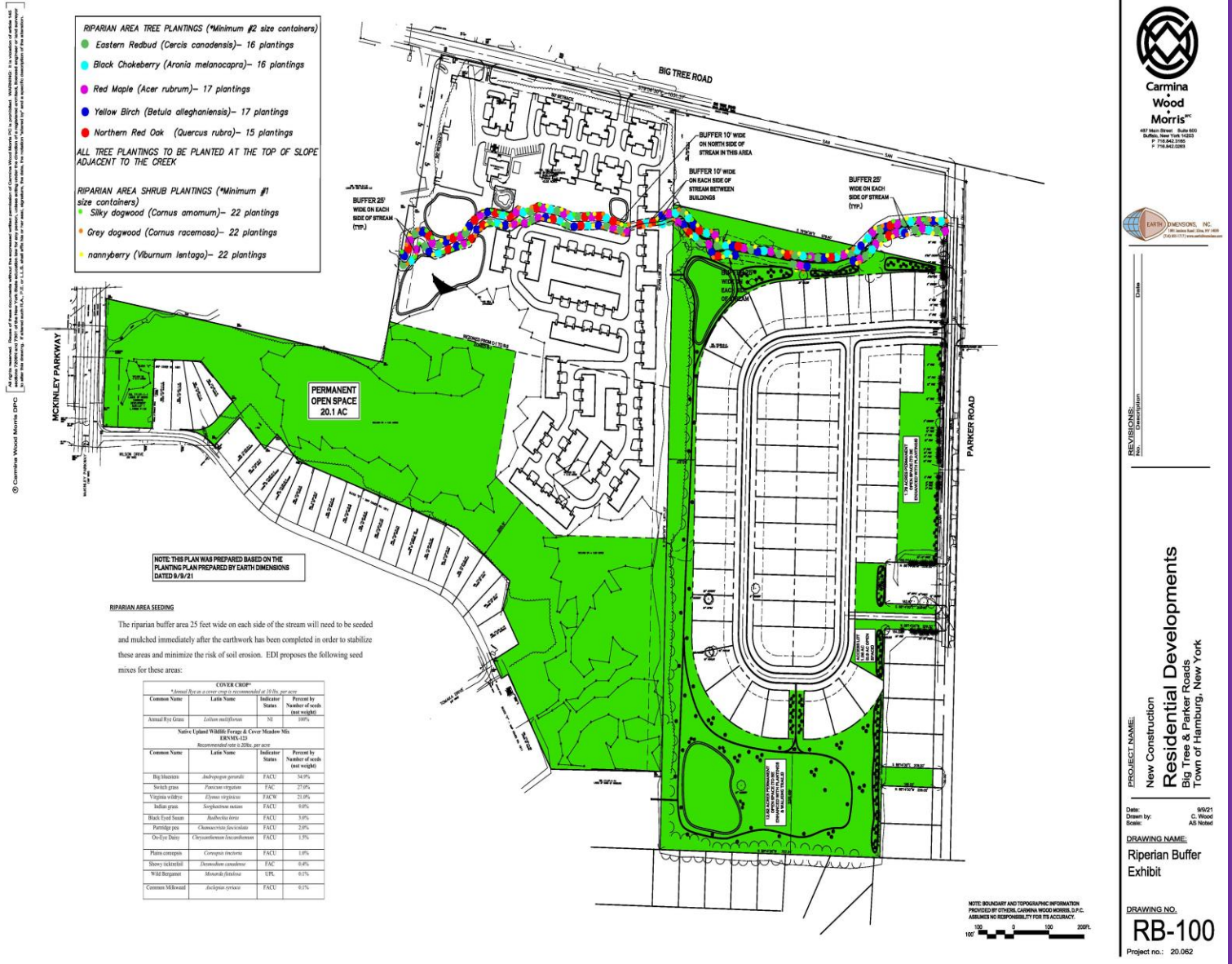
## **ALTERNATIVE PLAN:**

- Downzoning of 16.4 acres from C-1 to R-3 to accommodate 104 attached multifamily units for lease with attached garages
- 18 lot residential subdivision on portion of the Project Site zoned R-1 with public roadway connection to Wilson Road and Tomaka Drive intersection
- 0.30 acres impacts to 7.52 acres of jurisdictional federal wetlands



**RIPARIAN BUFFER PLAN AS DESIGNED BY EARTH DIMENSIONS:**

- 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
- The riparian buffer as designed by Earth Dimensions, Inc. will have a width of 50 ft. and will include substantial plantings consisting of 81 trees [5 types] and 66 shrubs [3 types]



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1000 West 10th Street, Suite 100  
Oklahoma City, Oklahoma 73106  
P: 405.771.7444

PROJECT NAME:  
New Construction  
**Residential Developments**  
Big Tree & Parker Roads  
Town of Hamburg, New York

DRAWING NAME:  
**Riparian Buffer**  
Exhibit

DRAWING NO.  
**RB-100**

Project no.: 20.062

Date:  
Drawn by:  
Scale:

8/9/21  
C. Wood  
AS Noted

## **Benefits of the Preferred Layout:**

- 20.1 acres of Permanent Open Space to be protected by a Declaration of Restrictions to be recorded at the Erie County Clerk's Office and also subject to a Conservation Easement to the Town of Hamburg
- At the request of the Planning Board, the Project Sponsor will be establishing a riparian buffer with native plantings along the portion of the existing stream that bisects a portion of the Project Site to be developed. The Riparian Buffer Planting Plan was prepared by Earth Dimensions, Inc. The riparian buffer to be established for the tributary of Rush Creek will have a width of 25 ft. on each side of tributary and will include 81 trees [5 types] and 66 shrubs [3 types]. 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 portion of the tributary of Rush Creek located on the Project Site.
- Demand for upscale multifamily units for lease with attached garages
- Single-story units with attached garages are attractive to seniors who live in the Town and want to downsize
- Substantially less traffic impacts than as of right development of 16.4 acres of the Project Site based on existing C-1 zoning classification
- No roadway connections to Wilson Drive as requested by residents during project review process
- Minor wetland impact of only 0.04 acres [1/2 of 1% of the on-site jurisdictional federal wetland – Nationwide Permit issued by the USACE on May 13, 2023]
- Reduction of impervious surfaces is beneficial from a stormwater management perspective.
- No on-site public infrastructure – Beneficial to the Town from a fiscal perspective.

## **Summary of Mitigation Measures - Surface water consisting of the stream corridor and wetlands:**

- **Drainage and Stormwater Management:**
- 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 stormwater management system will be designed to manage runoff and minimize the impacts 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.
- The project layout designates three specific areas for stormwater management, ensuring that runoff from impervious surfaces will be controlled and treated appropriately. 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
- No runoff will be conveyed onto adjacent properties
- 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

## **Summary of Mitigation Measures - Surface water consisting of the stream corridor and wetlands:**

- **Riparian Buffer**: 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]. The implementation of the plantings as depicted on the Riparian Buffer Planting Plan will ensure the project does not result
- **Wetland Mitigation**: On-site 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 1/10th 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 the non-jurisdictional wetland areas will be permanently protected through a recording of a Declaration of Restrictions at the Erie County Clerk’s Office.

## **Summary of Mitigation Measures - Transportation:**

- **Comprehensive Traffic Impact Study prepared by SRF Associates:**
- To accommodate the 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 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”).
- 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.
- No roadway access to Wilson Road

## **Summary of Mitigation Measures - Consistency with the Town of Hamburg Comprehensive Plan:**

- 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 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").
- 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"

## **Summary of Mitigation Measures – Community Character:**

- Exclusively one-story and two-story buildings with attached garages
- 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.
- Dark-sky compliant lighting
- Landscape Plan to be approved by the Planning Board
- 20.3 acres of deed restricted Permanent Open Space

## **SEQRA and Project Review Process:**

- Unlisted Action – Coordinated Environmental Review Conducted although not required by SEQRA
- Planning Board is the designated Lead Agency pursuant to SEQRA
- Public hearing on the Draft Scoping Document held by the Planning Board on January 18, 2023
- Planning Board issued the Final Scoping Document on February 1, 2023
- DEIS with Appendices submitted on July 11, 2024, in accordance with the requirements of the Final Scoping Document issued by the Planning Board
- 45-day additional review period by the Planning Board of Completeness
- Review of DEIS for Completeness received on August 15, 2024
- Submission of an updated DEIS addressing comments on September 8<sup>th</sup>
- Notice of Completion dated September 10, 2024
- Public Hearing on the DEIS
- Public Comment Period expires on October 18, 2024
- Preparation of FEIS
- Issuance of a Findings Statement
- Town Board public hearing and rezoning decision
- Site Plan Approval from the Planning Board

## **Requirements for Final Environmental Impact Statement [6 NYCRR 617.9(b)(8):**

- A final EIS must consist of the following: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All substantive revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS.

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## **Requirements for SEQRA Findings [6 NYCRR 617.11(d):**

- (1) consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS;
- (2) weigh and balance relevant environmental impacts with social, economic and other considerations;
- (3) provide a rationale for the agency's decision;
- (4) certify that the requirements of this Part have been met; and
- (5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

# **Conclusion:**

- Questions...