



November 14, 2023

Annalyse Samuel, Assistant Planner
Town of Hamburg Planning Department
6100 South Park Avenue
Hamburg, NY 14075

Re: Proposed Residential Project - 0 Southwestern Boulevard
Town of Hamburg
File No. 10006.26

Dear Annalyse:

On November 7th, Casey Gordon of the NYS Department of Transportation ("NYSDOT") sent an e-mail to Andrew Romanowski and you stating that NYSDOT will not be allowing any driveway connection from the Project Site onto Southwestern Boulevard, which is a NYS Highway. A copy of the e-mail from Casey Gordon of NYSDOT is attached as Exhibit "1".

Consistent with NYSDOT's determination, the Concept Site Plan for the proposed residential project has been updated by Christopher Wood, P.E. of Carmina Wood Design to remove the driveway connection onto Southwestern Boulevard. A reduced-size copy of the updated Concept Site Plan [Drawing C-100 – Date: 11/07/23] is attached as Exhibit "2" and three (3) full-size copies of the updated Concept Site Plan are also enclosed.

The traffic analysis included in the Traffic Impact Study prepared by Amy Dake, P.E. of Passero Associates dated June 19, 2023 was prepared based on project layout that included a driveway connection onto Southwestern Boulevard. Enclosed are three (3) copies of the updated Traffic Impact Study prepared by Amy Dake, P.E. of Passero Associates dated November 7, 2023 which confirms that the elimination of the previously proposed driveway connection will not result in any potentially significant traffic impacts at the driveway connection onto Howard Road or the signalized intersection of Southwestern Boulevard and Howard Road.

Please feel free to contact me at 510-4338 or via e-mail at shopkins@hsmlegal.com if you have any questions regarding this letter or the enclosed updated project documentation.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

A handwritten signature in blue ink, appearing to read "Sean W. Hopkins".

Sean W. Hopkins, Esq.

Enc.

cc: Josh Rogers, Wendel [Via e-mail]
Andrew Romanowski, Alliance Homes

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

5500 Main Street, Suite 343 • Williamsville, New York 14221

Direct: 716-510-4338 • E-mail: shopkins@hsmlegal.com • www.hsmlegal.com

Correspondence to Annalyse Samuel, Assistant Planner

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Bill Burke, Alliance Homes

Christopher Wood, P.E., Carmina Wood Design

Amy C. Dake, P.E., Passero Associates

**EXHIBIT 1 – E-mail Communication
from Casey Gordon of the NYS
Department of Transportation dated
November 7, 2023**

Sean Hopkins

From: Andrew Romanowski <Andrew@alliancehomes.com>
Sent: Tuesday, November 7, 2023 6:34 PM
To: Sean Hopkins
Cc: Bill Burke
Subject: Fwd: 0 Southwester Blvd Hamburg
Attachments: image001.jpg; 2023-100 - Re-zoning for a proposed Howard and Southwest Multi-family Development - NYSDOT Comments.msg

Sent from my iPhone

Begin forwarded message:

From: "Gordon, Casey (DOT)" <Casey.Gordon@dot.ny.gov>
Date: November 7, 2023 at 4:04:29 PM EST
To: Andrew Romanowski <Andrew@alliancehomes.com>
Cc: Annalyse Samuel <asamuel@townofhamburgny.gov>
Subject: RE: 0 Southwester Blvd Hamburg

Good afternoon Andrew,

For the referenced site, NYSDOT holds the position previously sent to the Town of Hamburg as part of this site's SEQR process. These comments are attached for reference and includes the following comment regarding access to Southwestern Boulevard: "NYSDOT does not intend to allow the driveway shown on Southwestern. Access management practices say that when access can be routed onto a side road off the State Highway System, that alternative road should be used as the entrance to the development."

Respectfully,
Casey Gordon
Transportation Analyst
Planning and Program Management

New York State Department of Transportation, Region 5
100 Seneca Street, Buffalo, NY 14203
(716) 847-3580
Casey.Gordon@dot.ny.gov
www.dot.ny.gov

From: Andrew Romanowski <Andrew@alliancehomes.com>
Sent: Tuesday, November 7, 2023 3:36 PM

To: Gordon, Casey (DOT) <Casey.Gordon@dot.ny.gov>

Subject: 0 Southwester Blvd Hamburg

You don't often get email from andrew@alliancehomes.com. [Learn why this is important](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

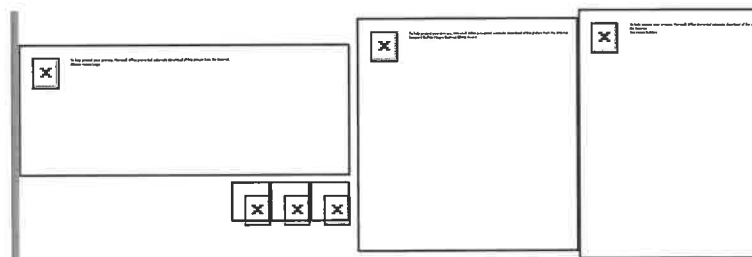
Casey:

Thank you for taking the time to discuss the residential multi family community that we are proposing at Southwestern Blvd and Howard Rd in Hamburg. I'm confirming your position that the NYSDOT stands by not allowing access via Southwestern with the original curb cut design or with the proposed right-in/right-out design.

As you suggested, I'll pass this information along to members of the Hamburg Town and Planning Boards, so that they can follow up with your office with any questions.

Respectfully

Andrew Romanowski
President
Phone: 716.646.6555
Fax: 716.646.0249
Andrew@alliancehomes.com
www.AllianceHomes.com



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Sean Hopkins

From: dot.sm.r05.SEQR
Sent: Tuesday, September 26, 2023 3:35 PM
To: Annalyse Samuel; Joshua Rogers
Subject: 2023-100 - Re-zoning for a proposed Howard and Southwest Multi-family Development - NYSDOT Comments

Good afternoon,

The New York State Department of Transportation (NYSDOT) has reviewed the documentation provided for the re-zoning request for the proposed Howard and Southwest Multi-family Development and has the following comments:

- NYSDOT concurs with the Town of Hamburg Planning Board for it to act as the Lead Agency
- NYSDOT has no opinion on the Town granting a re-zoning request for this parcel
- NYSDOT has several comments regarding the proposed plans submitted alongside the re-zoning request
 - NYSDOT does not intend to allow the driveway shown on Southwestern. Access management practices say that when access can be routed onto a side road off the State Highway System, that alternative road should be used as the entrance to the development.
 - NYSDOT recommends caution on placing the proposed berms near the Right-of-Way (ROW) and recommends they be placed farther back into the property.
 - Berms near the ROW have the potential to cause damage to sidewalk or other ROW improvements via erosion onto them or by equipment during their construction which would result in the requirement of additional work to correct any issues
 - NYSDOT permits will be required for any stormwater, sewer, other utility connections that will require work within the State Right-of-Way
 - Existing curb cuts/driveway aprons along Southwestern Boulevard will need to be closed as part of the work covered by the permit
 - More detailed plans will be required for the Highway Work permit application and an additional site engineering review will be performed as part of the Highway Work Permit process. This correspondence does not constitute approval for the purpose of a Highway Work Permit.
 - Additional information on permits can be found at:
<https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/highway-permits>
 - Applicant should direct the Highway Work Permit application and/or questions to:

Ronald Frei
Assistant Resident Engineer
New York State Department of Transportation Region 5
3754 Lakeview Road, Hamburg, New York 14075
716-649-2157 | Ronald.Frei@dot.ny.gov

- If the re-zoning request is granted, please keep NYSDOT in the loop for any additional SEQR or Site Plan review processes for this site. As the site is located adjacent to a state highway, permits or site plan changes could be required depending on the latest designs.

Respectfully,

Casey Gordon

Transportation Analyst

Planning and Program Management

New York State Department of Transportation, Region 5

100 Seneca Street, Buffalo, NY 14203

(716) 847-3580

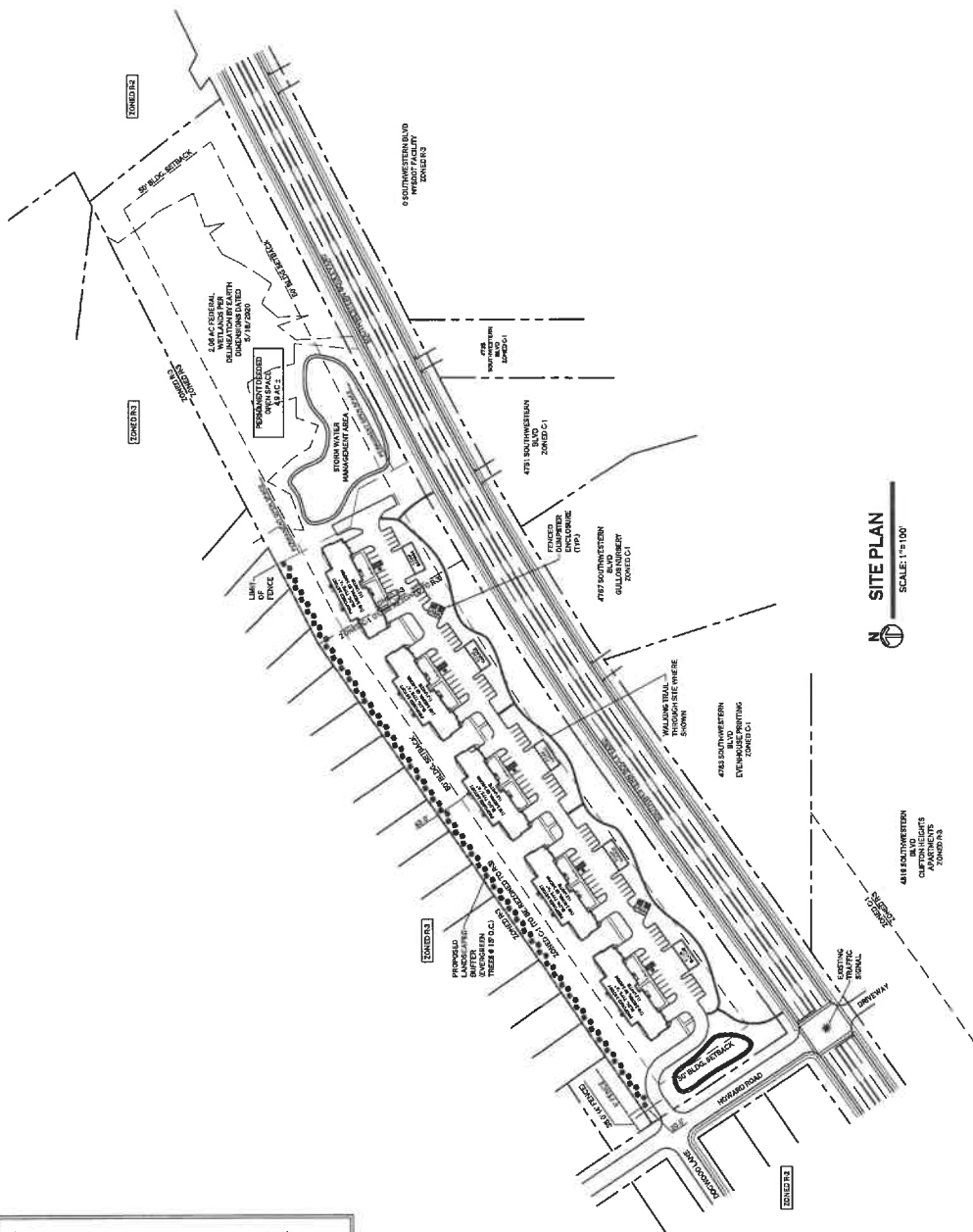
Casey.Gordon@dot.ny.gov

www.dot.ny.gov



**Department of
Transportation**

**EXHIBIT 2 – Reduced-Size Copy of
the Updated Concept Site Plan
[Drawing C-100 – Date: 11/07/23]**

[illegible]

NOTE: NO DETACHED ACCESSORY BUILDINGS SHALL BE

PERMITTED IN REQUIRED FRONT YARDS