



December 7, 2022

Sarah desJardins
Town of Hamburg Planning Department
6100 South Park Avenue
Hamburg, New York 14075

**Re: Parker Road Residential Subdivision
Draft Scoping Document
File No. 20028.7**

Dear Sarah:

Our firm represents David Manko, the Project Sponsor of the proposed Parker Road Residential Subdivision.

Enclosed please find the proposed Scoping Document. We request that this matter be placed on the next available Planning Board Agenda.

Please contact me at psorgi@hsmlegal.com or at 716.908.3289 with any questions. Thank you.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

Peter J. Sorgi, Esq.

Enc.

cc: David Manko
Christopher Wood, PE, CarminaWood Design
Sean W. Hopkins, Esq.

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Draft Scoping Document

for

Parker Road Residential Subdivision

Project Location:

4825 Big Tree Road, Town of Hamburg, NY

SBL No. 160.20-2-2.1

Project Sponsor: David Manko

SEQR Classification: Unlisted

Lead Agency: Town of Hamburg Planning Board

INTRODUCTION:

On September 15, 2021, the Town of Hamburg Planning Board, as the Lead Agency, determined that the proposed Parker Road Subdivision may result in potentially significant adverse environmental impacts and issued a Positive Declaration pursuant to the State Environmental Quality Review Act (“SEQRA”), requiring the submission of a Draft Environmental Impact Statement by the Project Sponsor. A copy of the Positive Declaration issued by the Planning Board is provided at Exhibit “1” of this Draft Scoping Document.

This Scoping Document sets forth the content of the Draft Environmental Impact Statement (“DEIS”) that the Project Sponsor shall prepare for the purpose of evaluating the environmental impacts of the proposed residential subdivision. The Scoping Document provides a general description of the proposed action, an overview of the environmental review process pursuant to SEQRA, discussion of the potentially significant adverse environmental impacts that have been identified within the Positive Declaration issued by the Planning Board on September 15, 2021 and resulting from the scoping process that must be evaluated by the Project Sponsor in the DEIS, the extent of information needed to adequately address each identified potentially significant adverse environmental impacts, identification of potential mitigation measures, reasonable alternatives to the proposed action to be evaluated, identification of information to be included in the Appendices of the DEIS, and issues and concerns raised that have been determined to be not relevant or to not pertain to potentially significant adverse environmental impacts.

This Draft Scoping Document has been prepared by the Project Sponsor in accordance with the requirements of the State Environmental Quality Review Act (“SEQRA”) and the implementing regulations as promulgated by the New York State Department Environmental

Conservation (“SEQRA Regulations”). The Final Scoping Document will be issued by the Town of Hamburg Planning Board, in its capacity as the designated Lead Agency for the coordinated environmental review of the proposed action pursuant to SEQRA.

2.0 SITE LOCATION AND DESCRIPTION OF PROPOSED ACTION:

The proposed action consists of a 69 lot residential subdivision [67 lots for homes] to be located on approximately 35.3 acres of the parcel at 4845 Big Tree Road in the Town of Hamburg. The portion of the Project Site to be developed as a residential subdivision is properly zoned R-3 pursuant to the Town of Hamburg Zoning Map. The proposed action has been defined broadly to include all required discretionary approvals and permits including but not limited to preliminary plat approval from the Town of Hamburg Planning Board as well as all proposed site improvements including proposed detached single-family homes, public roadways, curb cuts on Parker Road, residential driveways, lighting, a storm water management system, and all required utility improvements (collectively the “Project”).

3.0 REVIEW PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”):

The State Environmental Quality Review Act (“SEQRA”) provides a process for the consideration of potentially significant adverse environmental impacts resulting from a proposed action requiring one or more discretionary approvals and/or permits. Discretionary decisions of a state, regional, or local agency to approve, fund, or directly undertake an action that may affect the environment are subject to review under the SEQRA. It is the intent of the SEQRA that protection and enhancement of the environment and community resources be balanced with social and economic factors in the decision-making process.

3.1 Project Classification and Lead Agency Designation:

The Town of Hamburg Planning Board classified the Project as an Unlisted Action for the

purposes of environmental review based on a determination that the impacts of the proposed action do not cross any of the thresholds for a Type I action contained in 6 NYCRR Part 617.4. While not required by the SEQRA Regulations, the Town of Hamburg Planning Board decided to conduct a coordinated environmental review of the Project. A lead agency solicitation letter was issued to involved and interested agencies on January 11, 2021. None of the involved agencies objected to the Planning Board's request to be the lead agency.

In accordance with 6 NYCRR Part 617.7, based on its review of all agency comments, the completed Part 1 of the Full Environmental Assessment Form and application materials (including reports and studies) submitted by the Project Sponsor, and the completion of Part 2 and 3 of the Full Environmental Assessment Form, the Planning Board considered the potential environmental impacts of the proposed action and determined the action may result in significant adverse environmental impacts and that a Draft Environmental Impact Statement ("DEIS") must be prepared. 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:

- Land;
- Surface Water;
- Agricultural Resources;
- Historic and Archaeological Resources;
- Transportation;
- Energy; and
- Consistency with Community Plans

3.2 Purpose of the Scoping Process:

The Town of Hamburg Planning Board, as the designated Lead Agency, has decided to conduct scoping for the Project. The purpose of the scoping process is to identify the potentially

significant adverse environmental impacts to be evaluated in the DEIS and eliminate consideration of those impacts that are irrelevant or insignificant. The objectives of project scoping are as follows:

- Identify potentially significant adverse environmental impacts;
- Identify limits or extent of DEIS;
- Identify information needed to adequately address impacts;
- Identify potential mitigation measures;
- Identify the range of reasonable alternatives; and
- Eliminate irrelevant or insignificant issues.

On _____, 2022, the Project Sponsor submitted a draft Scoping Document to the Town of Hamburg. As part of the DEIS process, and in accordance with 6 NYCRR Part 617.8 of the SEQRA Regulations, the Town of Hamburg Planning Board conducted a public scoping meeting on _____, 2022 at the Town of Hamburg Town Hall. The public scoping session was held by the Planning Board on _____, 2022 in order to provide the public and involved and interested agencies with the opportunity to provide input regarding the potentially significant environmental impacts to be evaluated in the DGEIS.

The public scoping process ensures that the DEIS will be a concise, accurate, and complete document upon which all involved and interested Agencies can evaluate and issue decisions regarding discretionary approvals and permits needed for the proposed project. By including the public, as well as other agencies in the scoping process, the lead agency can obtain additional information and specialized knowledge that may reduce the likelihood of additional issues arising during the public review period for the DEIS. It is the responsibility of the Town of Hamburg Planning Board, as the designated Lead Agency, to complete the scoping process and issue the final Scoping Document.

3.3 Lead Agency, Involved Agencies and Interested Agencies:

Pursuant to SEQRA, there are three types of agencies: the Lead Agency, Involved Agencies and Interested Agencies. The Lead Agency is the Involved Agency that has the responsibility, under SEQRA, to conduct the environmental review process for a proposed action. The Town of Hamburg Planning Board was previously designated as the Lead Agency for the proposed action because it has jurisdiction with respect to issuing a decision regarding preliminary plat approval for the Project.

Involved agencies are agencies that have jurisdiction to fund, approve, or directly undertake an action. The involved agencies for the environmental review of the Project are as follows:

- New York State Department of Environmental Conservation (“NYSDEC”)
- New York State Department of Transportation (“NYSDOT”)
- New York State Office of Parks, Recreation and Historic Preservation (“SHPO”)
- Town of Hamburg Town Board
- Erie County Health Department

Interested agencies consist of federal agencies and agencies that do not have jurisdiction with respect to discretionary approvals or permits for a proposed action, but that may want to participate in the environmental review process because of their expertise or concern regarding the proposed action. For the Project, interested agencies include but may not be limited to:

- United States Army Corps of Engineers
- Town of Hamburg Building Inspector
- Town of Hamburg Engineering Department
- Town of Hamburg Highway Department
- Town of Hamburg Water and Sewer Department

4.0 CONTENT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS):

6 NYCRR Part 617.9(b) of the SEQRA Regulations sets forth the minimum content that

should be included in a DEIS. The subject areas expected to be included in the DEIS for this project are described below.

4.1 Cover Sheet and Table of Contents:

4.2 Executive Summary:

The Executive Summary should provide a brief summary of the Draft Environmental Impact Statement.

4.3 Introduction:

The introduction should provide a summary of the Project, including the following topics:

- Project location and setting;
- Project description (including proposed actions, changes to the site, acreage to developed, etc.);
- Purpose and objectives of the Project;
- Public need and benefits of the Project;
- Project History including environmental review pursuant to SEQRA,
- Site layout and design;
- Phasing of the proposed project;
- On-site traffic circulation;
- Utilities and stormwater management facilities;
- Site access (existing and proposed); and
- Regulatory compliance, including zoning and required project approvals and permits.

4.4 Existing Conditions of the Project Site:

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 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;
- Existing neighborhood character and setting.

4.5 Evaluation Potentially Significant Adverse Environmental Impacts:

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

4.5.1 Impact on Land:

A. Summary:

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

4.5.2 Impact on Surface Water and Ground Water Resources:

A. Summary:

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 Stormwater Management Plan/ Engineer's Report that meets the State's stormwater requirements ("SPDES") 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 stormwater facilities;
- Impacts to federal wetlands;
- Impacts to existing floodways or floodplains; and
- Any temporary impacts to surface waters due to construction activities
- Impacts to ground water resources

4.5.3 Impact on Plants and Animals:

A. Summary:

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.

4.5.4 Impact on Transportation:

A. Summary:

This section should provide a detailed discussion and analysis of potential traffic impacts and shall include a summary of the Traffic Impact Study ("TIS"). 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; and
- Discussion of proposed vehicular access to the Project Site;

4.5.5 Impact on Energy/ Utility Facilities:

A. Summary:

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 project sanitary sewer calculations;
- Impacts to the existing stormwater and sanitary sewers and water;
- Location of fire hydrants; and,
- Location and description of all on-site and off-site utility improvements.

4.5.6 Noise and Odor Impacts:

A. Summary:

This section should provide a detailed discussion on the noise and odor impacts anticipated from this project including, but not limited to:

- All potential noise and odor sources such as vehicular traffic, construction activities, etc.

4.5.7 Impact on Public Health:

A. Summary:

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.

4.5.8 Impact on Growth and Character of Community or Neighborhood:

A. Summary:

This section should provide a detailed discussion on how 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:

- 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;
- The consistency of the Project with the existing zoning and subdivision standards;
- Impacts on community services such as fire and police protection, schools, parks & recreation, etc.;
- 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.

4.5.9 Impacts to Agricultural Resources:

A. Summary:

This section should provide a discussion of impacts of the proposed action on agricultural resources.

5.0 EVALUATION OF MITIGATION MEASURES:

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.

6.0 PROJECT ALTERNATIVES:

A discussion of on-site alternatives to the proposed action should be included, such as:

- No Action Alternative: an evaluation of the potential adverse and beneficial impacts that would result in the reasonable, foreseeable future if the proposed action was not undertaken.
- Project Site Layout Reconfiguration: An evaluation and assessment of the alternative As-of-Right subdivision layout consisting of 67 lots as well as an evaluation and assessment of the clustered subdivision layout consisting of 60 lots.

7.0 CUMULATIVE IMPACTS:

The impacts of the proposed action in the context of other proposed projects (if any) in the vicinity of the Project Site.

8.0 GROWTH INDUCING IMPACTS:

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.

9.0 POTENTIAL IMPACTS DETERMINED TO BE INSIGNIFICANT:

Under 6 NYCRR Part 617 of the SEQRA Regulations, the Lead Agency is responsible for eliminating consideration of those impacts and concerns that have been identified during the scoping process that are determined to be irrelevant or insignificant either because they are not legally relevant to the environmental review of the proposed action, they are not environmentally significant, or they have been adequately addressed prior to the scoping process. These issues and concerns should not be included in the DEIS.

10. INFORMATION TO BE INCLUDED IN THE APPENDICES OF THE DEIS:

The DEIS shall provide sufficient detail to enable the reader to understand, interpret, and evaluate the existing conditions, potential impacts, mitigation measures, and alternative project scenarios. The Appendices shall contain copies of studies and reports that supplement and support the narrative in the DEIS. The methodologies and results of the studies and technical reports shall be summarized and explained in the DEIS. Only site-specific documents that are not readily available to the public should be included as appendices to the DEIS. The following are examples of documents to be included in the Appendices:

- All application materials;
- Parts 1, 2 and 3 of the Full Environmental Assessment Form (“EAF”);
- Positive Declaration issued by the Planning Board on September 15, 2022;
- Final Scoping Document;
- Correspondence related to the Project;
- Minutes of Meetings of the Town of Hamburg Planning Board;
- Conceptual Plans for the identified alternatives to the Project;
- Traffic Impact Study;
- Storm Water Pollution Prevention Plan (“SWPPP”);
- Engineer’s Report;
- Wetland Delineation Report;
- Jurisdictional Determination issued by the United States Army Corps of Engineers dated May 13, 2021;
- Cultural Resources Report
- No impact determination letter issued by Josalyn Ferguson, Ph.D. of the New York State Office of Parks, Recreation and Historic Preservation dated October 9, 2020